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THE
PRACTICE OF THE LAND
REGISTRY

UNDER THE
TRANSFER OF LAND ACT, 1862,
WITH
SUCH PORTIONS OF THE RULES AS ARE NOW IN FORCE:
AND
GENERAL INSTRUCTIONS, NOTES, FORMS
AND PRECEDENTS.

BY
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"Registration of Title in Prussia," &c., &c.*

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P R E F A C E.

THE Practice of the Land Registry under the Transfer of Land Act, 1862, has for many years past been set forth in official publications issued from time to time; but it seems that recent changes, and the increasing extent and complexity of the subject matter, have rendered this course no longer suitable.

At the same time, the need of some work of the kind is sufficiently shewn by the fact that there are at present between 3,000 and 4,000 separate estates registered under that Act, occasioning an average of about seven or eight dealings per week. Most of these transactions might be more cheaply and satisfactorily conducted if the persons conducting them had a preliminary acquaintance with the practice of the Office.

Having exceptional opportunities for ascertaining the practice of the Land Registry on various points, I have prepared the present work in the hope that it may be found useful.

The Act itself, being easily procurable, is not here printed, but full references to its subsisting provisions will be found in the Index. Also, such Rules and Forms as are now obsolete are noticed only and not printed at length.

I hope, before long, to have ready a similar work on the Land Transfer Act of 1875, and, possibly, on some of the other Acts (including the Middlesex Registry Acts) which are administered in the Land Registry Office.

C. FORTESCUE-BRICKDALE.

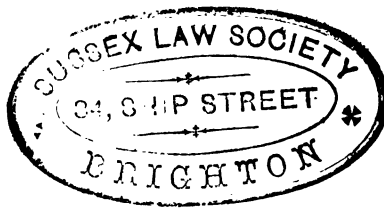
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November, 1891.

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THE PRACTICE OF THE LAND REGISTRY

UNDER

THE TRANSFER OF LAND ACT, 1862.*

PART I.—GENERAL INSTRUCTIONS.

CHAPTER I.—PRELIMINARY OBSERVATIONS.

- (i.) *A Precaution to be observed in dealing with Land supposed to be Unregistered.*

It is not safe to deal with any interest in land under a title commencing later than 1862, without searching the public index of lands kept in the Land Registry to see whether the land is registered under the Act of 1862 or 1875 or not.

An instance has lately occurred of registered land having been dealt with as though unregistered for upwards of 22 years, in the course of which time a considerable number of dealings for value had taken place, and the vendor in the last transaction was quite unaware of the fact of the registration of the title.

There are a certain number of registered estates where it is known that sales have taken place, and yet none of these sales, or only a small proportion, have as yet been recorded on the register. In these cases, a purchaser under a short title may easily miss the notice of registration endorsed on the earlier deeds. An appreciable risk of fraud, and inevitable ultimate inconvenience, are occasioned by ignoring the register, as will appear more fully in the following pages.

* 25 & 26 Vict. c. 53, "An Act to facilitate the Proof of Title to, and the Conveyance of, Real estates."

(ii.) *The System on which the Registers are kept.*

The general system of the Transfer of Land Act, 1862, 25 & 26, Vict. c. 53, is to present at all times on the register (sec. 32) an exact summary of existing rights and interests in each particular estate registered, to give validity (secs. 20, 21, and 105) to such summary, in favour of persons dealing for value, and to confer an absolute title (sec. 74) on purchasers for value registered under the Act.

The means adopted for carrying out this system are to some extent well known. The title to each estate having been first examined officially, the result of such original examination is stated on the register (sec. 14) as follows:—

First.—The property itself is described in a book (or section of a book) called the Register of Estates; the description giving as a rule the name (if any) of the property, the county and parish, and, in all cases of corporeal hereditaments, referring to a map, deposited in the office, shewing the boundaries of the estate.

Second.—In another book (or section) called the Record of Title, all subsisting rights, interests and powers (except leases and incumbrances) and all exceptions, reservations, and conditions,* affecting such rights, &c., are entered or referred to.

Third.—In the “Register of Mortgages and Incumbrances,” incumbrances and long leases are stated.

The register, being thus started, is further carried on as follows:—

The Register of Estates and deposited map are used to shew what portions of the land have been sold, or otherwise disposed of, and carried off to fresh titles. When a conveyance of part of the land is brought to the Registry, a new map is made of the part affected, an independent set of entries, containing no

* Only negative covenants and conditions legally running with the land can be thus entered; personal covenants are inadmissible, notwithstanding expressions purporting to create a perpetual charge (*Re Drew's Estate*, *c. p. Mason*, L.R. 2 Eq. 206).

reference to the former title, is opened for it under a new number, the part thus separated is edged and numbered in green on the original deposited map, and a note to that effect is entered on the Register of Estates (rules 20 and 21 of 1864).

The Record of Title is used to show all changes of ownership occurring in respect of the whole estate, and a few other incidental matters. An important distinction, however, is observed between sales and all other changes, namely, that on a sale* all previous entries on the register are cancelled, while on other changes (as by settlement, appointment, gift, foreclosure, bankruptcy, or death) a note of the effect of the instrument or occurrence in question is merely added to the register, the previous entries remaining undisturbed.

In the Register of Mortgages and Incumbrances are entered mortgages, transfers of and other dealings with mortgages, and reconveyances. When a registered mortgage is discharged* it is cancelled entirely from the register, instead of (as with unregistered land) remaining a perpetual and integral portion of the title. Notices of long leases are also entered in this part of the register, but not dealings with leases. If it be desired to make a record of the ownership of a lease—a proceeding quite as useful as in the case of freeholds—a leasehold title is applied for.

(iii.) *Inspection of the Register.*

Only the owners of recorded estates and interests, their solicitors or agents, may inspect the register (secs. 15 and 137 of the Act). If such owners are not actually registered, proof of their ownership must be furnished, by statutory declaration or otherwise, to the satisfaction of the registrar.

Any person authorised in writing by any of the above is considered to be included in the rule (*see* Form 16). *p 61 -*

No other person can inspect the register, except under an order of the Court.

* On a sale by a mortgagee, the purchaser is registered as entitled in fee; and the mortgage, and all subsequent incumbrances of the equity of redemption, are cancelled; and the purchaser can remove the land from the register, though the mortgage be prior to the registration of the land (*Re Richardson*, L.R. 12 Eq. 398, and *Re Winter*, L.R. 15 Eq. 156).

A person registered as owner of an estate which has been removed from the register is not considered to be the owner of a recorded estate, and consequently cannot inspect the register, except under an order of the Court.

There is a map index, shewing merely what land is registered, which is open to general public inspection.

(iv.) *Transfer of Titles to the 1875 Register.*

The 126th section of the Land Transfer Act, 1875, provides for the transfer of titles, without cost to the parties, from the 1862 register to the new register established under that Act.

The principal advantages of transferring an estate to the 1875 register are that, the fees are lower, trusts are excluded from the register, dealings are simpler, and much more expeditious, documents are not required to be printed, and dealings are entered on the register without the delay attending the settlement of entries under the 1862 Act (*see* Chapter III. (ix.). The saving is most conspicuous on the cutting up of registered estates, the expenses being halved, and the time occupied in completion being decreased in an even greater ratio.

Purchasers of registered land should apply (with the vendor's consent, which can be given by his solicitor, and which need not be verified) for such transfer before the completion of the purchase. Where the whole of the land in a title is being sold, there can be no reasonable objection to this. The benefit of the change will then be experienced at once, the purchase being completed according to the 1875 Act.

The latter Act contains no provision analogous to the 34th section of the 1862 Act, enabling estates to be removed from the register. In theory this is somewhat of a disadvantage. But under the improved system of the 1875 Act, the want of such a provision is not practically felt.

Large numbers of titles are thus transferred every year.

Details of the practice on thus transferring titles will be found in the orders of 1876, with notes and forms.

CHAPTER II.—PRECAUTIONS TO BE OBSERVED IN DEALING
WITH REGISTERED LAND.(i.) *As to the distinction to be observed between the Acts of
1862 and 1875.*

It will have been observed that the term “registered land” may mean land registered under the Act of 1862 (to which alone this publication applies) or under the Act of 1875. As the system of each Act differs essentially from that of the other, the first care should be to ascertain under which Act the land is registered. All titles numbered from 651 to 999 and from 4,000 to 6,999, are under the Act of 1875; the other numbers were formerly all under the Act of 1862, but are now somewhat mixed, owing to the frequency of transfers from the earlier to the later Act. Any number followed by the letter T signifies a transferred title, and is consequently under the 1875 Act.

(ii.) *The Contract.*

Where the land is registered with indefeasible title, and the vendor is entered as entitled in fee simple, or as the owner of a mortgage having a subsisting power of sale, or the rights of all necessary parties to the conveyance are otherwise plainly expressed on the register, no stipulation as to title need be made (*see* sec. 20 of the Act) except perhaps a condition (*see* Form 13) that no evidence shall be required as to mines and minerals, or as to the non-existence of liabilities not deemed to be incumbrances within the meaning of the Act (*see* list in sec. 27). Such a condition need not be objected to by a purchaser, as (with the exception of succession duty, as to which it is the practice of the office to enquire on every death, and to note on the register when not shewn to have been paid) these are matters which can usually be ascertained by enquiry on the land, and are not invariably to be found mentioned even in the title deeds of an estate.

In such case there is no reason for delaying the date of completion of the contract beyond the two or three days necessary for inspection of the register and preparation of the conveyance.

In cases where all unnecessary expense is to be avoided, a condition in Form 14, substituting an authority to inspect the register for the usual abstract will be found useful, and need not be objected to by a purchaser. It may even be doubted whether, in the case of registered land, the purchaser can demand anything more than such an authority, but the point has not yet been raised in practice.

Where the vendor's right to sell does not appear upon the register, he will probably insert such express stipulations (if any) as the state of the register appears to require. The purchaser, however, should object to any stipulation either limiting his right to require the vendor to complete his own title on the register before completion, or throwing on the purchaser the expense of such proceedings as may be necessary for that purpose. The effect of such conditions occasionally is to preclude the purchaser from perfecting his title except at a heavy cost in money, trouble, and time.

In the very few cases where the land has been registered without an indefeasible title, a suitable condition should be inserted to preclude enquiry into matters excepted from the effect of registration (*see* Form 15). Considering that no such title has been admissible to the register since 31st December, 1875, purchasers (as a rule) need not object to such a condition.

Where the land to be sold is part only of the registered estate, the purchaser should enquire whether a land certificate has been issued, and if so, should stipulate for its production at the Registry free of expense.

If the land is subject to a lease capable of registration, enquiry should be made as to whether it has been registered. If not, the expenses of its registration should be provided for, as, if it is mentioned in the conveyance, a fee of 10s. (per lease) will be charged.

(iii.) *The Abstract.*

Where, as is usually the case, the title on the register is quite simple, no abstract in the proper sense is required, a copy of the land certificate (if any), or copies of the entries on the register, being the utmost that a purchaser can demand.

Where the title is not simple, the abstract should consist of a copy of the land certificate, or copies of entries in the register, with copies (or abstracts) of the documents referred to therein, and of the documents (if any) subsequent to the last registered document through which the vendor derives title.

The purchaser should compare the abstract (or copies aforesaid) with the register, and with the filed copies of documents referred to thereon. He need not compare any registered documents with the originals, all copies filed in the Registry being already so compared officially.

In order to compare the abstract with the register it will be necessary to obtain the written authority of the registered owner or mortgagee, as the case may be, or his solicitor, to inspect the register (*see* Chapter I., "Inspection of Register"). No particular form of authority is necessary, Form 16 will suffice.

The purchaser should require to be furnished with this authority free of expense, except, of course, the office fee for inspection of the register.

(iv.) *Searches.*

See Chapter I., "System of Keeping the Registers," and "Inspection of the Register."

In searching, it should be seen that the vendor's title, or power of sale, is fully shown on the register. If not, the purchaser should require the omission to be made good by the vendor. Unless the defective registration of the title is expressly mentioned in the contract, and the expense of completing it thrown on the purchaser, this should be done at

the vendor's expense, even though involving the production of a document not in his possession. For it would seem that neither the general provisions of section 3, sub-section 6 of the Conveyancing Act, 1881, nor any merely general condition in a contract to the like effect, would apply to the case of registered land. Registered land bears very little analogy in this respect to unregistered. For if the land be unregistered, non-production of an abstracted document is merely a question of evidence, but if the land be registered the non-registration of a material document is a question of title, as the registrar will refuse to enter the purchaser's conveyance unless the intermediate title is made up.

It should be noticed (if not already ascertained) whether a land certificate has been issued, as its production will be necessary on registering the purchase (*see* rule 16 of 1864, and note).

If a "caveat" is found affecting the land purchased, the vendor must be asked to obtain an undertaking that no objection will be made under it. In any case it will involve a delay of 21 days in registering the purchase, as there is no power under the Act to remove a caveat, or to waive the notice required to be given, even with consent (*see* secs. 96 to 100 of the Act, and rule 32 of 1862, and notes).

If a "restraint of conveyance" be found, it must be seen that the conditions imposed by it can be complied with (*see* secs. 93 and 94 of the Act, and rules 30 and 31 of 1862, and notes).

If the vendors are trustees, or if any question, doubt, or enquiry is suggested by any entry on the register or by any document referred to thereon, the purchaser should proceed with the greatest vigilance, and should not waive any proper requisition made, for if he does he will probably find it made against himself on the application to register his conveyance.

It follows from sections 20 and 104 of the Act that no searches in the Middlesex or Yorkshire registers, or in the Central Office, or any other place, need be made.

There is no power under the Act for the registrar to make official searches of any kind.

(v.) *The Conveyance.*

The Schedule to the Act contains forms of conveyance, mortgage, transfer (of land) by endorsement on land certificate, and transfer of charge (*see* Forms 1 to 4, and notes thereon). Section 136 provides that the statutory forms shall be used in all matters to which they refer, but by virtue of sections 74, 75 and 76, instruments in any form are capable of registration also.

The forms in the Schedule to the Act will be found suitable for all simple cases, and should be used where practicable. They may be adapted to circumstances. Where they are used no charge is made for the examination of the printed copies filed.

Documents, facts, and matters (including restrictive covenants and conditions, exceptions, incumbrances, leases, &c.) which appear on the register should not be recited or otherwise mentioned in the conveyance, except, perhaps, by a general reference to the register. Exceptions and incumbrances of all kinds are carried over as a matter of course to the purchaser's title unless duly put an end to.

Covenants for title are unnecessary where the vendor's power to sell is clearly shown on the register, though, perhaps, it may still be thought advisable to insert the statutory words "as beneficial owner," &c., for the sake of further assurance, if thought necessary.

If unregistered leases are mentioned in a conveyance of the freehold, the registration of the conveyance is treated as a registration of the leases, for which a fee of 10s. per lease is required to be paid. It is advisable, therefore, in granting leases of registered land, to stipulate that the lessee shall forthwith register notice of his lease at his own expense.

Unregistered land can be dealt with by the same deed as registered land.

On a sale by the Court the recitals should state the action and various orders in the usual way, and on registration these will be verified by production of the orders, or office copies, and the paymaster's certificates of receipt of deposit and balance of purchase money.

Where the whole (or whole remaining) land in a title is being dealt with, a detailed description or plan of the land conveyed is useless, and even undesirable, as it may lead to question. The words "All the land now comprised in Title No. , in the office of Land Registry" are quite sufficient.

No mention should be made of the land certificate, nor, where a new number has been given to land, is there any need to refer to its original, or any former, number.

Where only a part of the land comprised in the title is being dealt with the deed must have a plan endorsed. Where practicable, this plan should be a copy of, or extract from, the deposited map of the estate, and should contain sufficient particulars to enable the office surveyor to find, and accurately mark off, the piece sold on the deposited map. Expense and delay in the subsequent completion of the registration sometimes arise from a neglect of this precaution. An enlargement of the whole or of any part can be added, if desired.

If dimensions are given, great care should be taken to see that they are accurate. Where the land is not level, the true horizontal measurements should be given, and not the actual measurements of the surface. The office surveyor will give all assistance that may be needed in preparing such plans, and should always be consulted by purchasers before preparing conveyances of parts of estates. No charge is made for such consultation, and subsequent trouble and delay may be avoided by this precaution.

The making of a new deposit map of the part transferred, together with the time occupied in obtaining the necessary approval of it by the parties, usually causes a delay of about three weeks in completing the registration of a sale of part.

This delay can be entirely prevented if the purchaser orders the map as soon as the contract is signed, or at least *pari passu* with the preparation of the conveyance.

Documents relating to registered land bear the usual stamps, and it is the duty of the registrar to see that the stamps are correct before he can accept any document for registration.

The Act (sec. 86) requires a printed copy of every instrument to be filed in the office. Expense and delay on completing the registration can be saved by having the deed printed (foolscap size) for execution, and the copies for filing struck off from the same type.* This is specially useful where many deeds in the same general form are likely to be wanted, as in leases, or sales in lots. The details (to a reasonable extent) can be filled up in manuscript. The copies for filing must be printed on white foolscap paper. If not sent with the application, the prints are made by the office stationer for 8d. a folio; minimum charge, 6s. 8d.

(vi.) *Completion.*

The priority of instruments depending (as in the Middlesex and Yorkshire Registries) on the dates of registration (*see* sec. 74 of the Act), it is, of course, desirable (1) to know the exact state of the register at the moment of completing the transaction, and (2) to register all documents immediately on completion.

There are various ways of obtaining this effect.

The Act (sec. 64) and rules (25 of 1862 and 1 to 3 of 1864) permit of completion at the Land Registry. But this is inconvenient in practice, and is rarely, if ever, resorted to.

A better way of obtaining the same effect is for the vendor to apply (in Form 8), a few days before the completion, for a "special land certificate," of the title, or part of the title, to be dealt with (*see* secs. 70, 76 of the Act). Such certificate places a block on the register for fourteen days, or till its return. There-

* If the draft is sent to the office stationer, he will print it on parchment and paper suitably to the Land Registry requirements, procure stamp (if desired), and return for execution. His charges are 8d. a folio, minimum 6s. 8d., *plus* two or three shillings for parchment, &c., and 1s. 6d. for attendance at Somerset House (if required). These should be prepaid.

fore, the purchaser can safely pay his money if such a certificate be produced and handed over to him on the execution of the conveyance. He will, of course, take care to send the conveyance to the office (and the special certificate with it) before the expiration of the fourteen days from the date of issue. In the absence of special stipulation the cost of the special certificate (*see* fee order of 1889) will fall on the purchaser.

Another way is, after searching, to place a "caveat" on the register; but this has the defect of delaying the completion of registration. Also, it is not perfectly clear that a caveat would afford as complete protection under all circumstances as would be obtainable under a special land certificate.

If the vendor does not object, a "restraint on conveyance" in favour of the purchaser can be placed on the register (*see* secs. 93, 94 of the Act, and rules 30 and 31 of 1862 and Form 7). If, in this way, the *consent* of the purchaser were made necessary to any sale within a certain time, it would seem an effectual protection against the vendor's fraud. It should be noted, in such a case, that the purchaser's signature, either to the deed or to the application to register, would need to be verified to prove his consent.

Where only part of the land comprised in the title is being dealt with, the application for the special certificate, caveat, or restriction, should have a tracing confining it to the part in question.

As to the execution of the deed, *see also*, Chapter III. (vii.), "Attestation and Identity."

(vii.) *Costs.*

Schedule I. of the remuneration order of 1881 does not apply to dealings with registered land. Charges should be made according to the amount of work done, documents perused and prepared, attendances, &c. It appears that a practice prevails to some extent of charging as under the said Schedule I., and defraying the Registry fees and incidentals out of the sum so charged, but there seems to be no warrant for such a course.

(viii.) *Dealings other than Sales.*

With the necessary alterations, the same precautions should be observed on all dealings as above laid down for sales.

There are statutory forms of mortgage and transfer of mortgage (Forms 2 and 4), and their use is recommended, but the use of special forms being in no way compulsory, instruments may be drawn as usual with unregistered land.

On dealings with mortgages the usual enquiry should be made of the mortgagor as to the state of the mortgage debt, for the register is not conclusive as to this. A mortgagee should require a land certificate to be taken out and delivered to him. Otherwise, if a certificate be afterwards issued to the mortgagor, there may be a difficulty in registering a purchaser under the power of sale (*see* rule 16 of 1864). Intermediate dealings with mortgages which have not been registered should be fully recited (*see* note to rule 9 of 1864). Transfers and reconveyances of mortgages are registered, but not assignments or mortgages of leases (rule 25 of 1864), except where a "leasehold title" has been registered.

Leases and agreements for leases, for over 21 years, or not in occupation, must be registered (secs. 27, 32, 74, of the Act, and *see* rule 25 of 1864), such leases should contain a stipulation that the lessee shall forthwith either register a "leasehold title" under the Act of 1875, or shall enter notice of the lease on the register at his own expense; otherwise the cost of so doing (10s. per lease) will fall on the freeholder on the next conveyance in which it is mentioned.

As to proceedings on deaths, bankruptcies, &c., *see* Chapter III. (v.) partitions, p. 17.

The rule as to printing (sec. 86 of the Act) applies to all documents to be registered. Care should be taken to make all references to the register accurate. Every instrument relating to a part only of a registered estate must have a plan endorsed, (rule 21 of 1864) as to which it is advisable to consult the office surveyor before preparing the deed.

CHAPTER III.—PROCEEDINGS ON APPLICATIONS TO REGISTER.**(i.) *As to the Necessity of Registration of all Documents and Occurrences relating to Title.***

Every document and every occurrence whereby the title to land is affected should be registered (*see* sec. 32 of the Act). A subsequent registered purchaser for value is protected against all unregistered estates and interests (sec. 74). For the purposes of dealings for value (including contracts) persons are to be deemed entitled to the interests recorded, free from all other claims (secs. 20, 21), except certain minor rights set forth in section 27. It is obvious from these provisions that any person becoming entitled to or interested in registered land runs a considerable risk by neglecting to register—a greater risk, in fact, than is incurred by neglecting to register a deed (relating to unregistered land) in Middlesex or Yorkshire, for in Middlesex or Yorkshire purchasers are not justified in relying on the Registry without enquiring for the deeds, but in the case of registered land they are.

(ii.) *The Modes of Registration.*

Instruments in writing* are registered by filing printed copies (sec. 86 of the Act), or, in the case of wills, by filing memorials containing the material portions (sec. 81). Occurrences, such as descents, deaths, marriages, and other matters not consisting of writing, are registered by filing printed memorials, stating the occurrences in question (sec. 83).

(iii.) *Registration of Instruments not Testamentary.*

To obtain registration of any instrument not testamentary there should be sent to the office—

* This includes a statutory receipt on a building society's mortgage, and any memorandum relating to deposit of land certificate.

(1.) Application to register, in Form 6; and *see* secs. 75 to 83 of the Act and rule 26 of 1862.

(2.) The original instrument.

(3.) Statutory declaration verifying execution and identifying the grantor, in Form 17; and *see* rule 4 of 1864, and "Attestation and Identity," p. 19.

(4.) Two copies of the instrument, printed on white foolscap paper, or a deposit for printing (*see* rules 34 of 1862 and 14 and 15 of 1864, and "Deposits for Expenses" p. 21).

(5.) The fee for registration, in Land Registry stamps, affixed to the application (*see* rules 36 and 48 of 1862 and 11 of 1864, and fee order of 1889, and notes).

(6.) Deposit of cash to meet expenses (*see* rules 11 and 15 of 1864 and "Deposits for Expenses" p. 21).

(7.) Where there is a plan on the instrument, a tracing of the plan.

(8.) In the case of an absolute transfer of the fee simple; the land certificate (if any) (*see* rule 16 of 1864).

The application thus received is proceeded with and completed as stated below, "Completion of Registration." If a new or altered land certificate be desired, an application therefor should be left at the same time (*see* notes to rule 23 of 1862).

(iv.) *Registration of Wills.*

See rule 6 of 1864.

Only wills relating to beneficial interests in freehold land should be registered as such. On the death of an owner of a leasehold title, or of a mortgage, or of a sole trustee of freehold land, only the appointment of personal representatives should be registered. For this *see* the next heading, "Registration of Facts," &c.

The registration of a memorial of the death should, in strictness, precede the registration of the will; but in practice the two are generally registered together. For registration of a death alone, *see* the next heading.

To obtain registration of a death and will as to freehold land, there should be sent to the office—

(1.) Application to register, in Form 18; and *see* rule 26 of 1862.

(2.) Memorial of death, in Form 19, or of death and will, Form 20.

(3.) The probate, or office copy, or original will.

(4.) Statutory declaration, verifying execution and identifying testator, in Form 21, p. 63. Where the probate is produced a mere declaration of identity in Form 27 will suffice.

(5.) Two copies of the memorial and (where the will is not memorialised) probate (or will) printed on white foolscap paper (*see* rule 6 of 1864 and notes).

(6.) Receipts for succession duty, if payable. If not payable, the exemption (if not apparent from the will) should be explained in a written statement.

(7.) The name and address of the heir-at-law (if known) for service of notice of the application to register a will. As to this, further evidence by statutory declaration or otherwise may be required by the registrar.

(8.) Certificate of the value of the estate, with all improvements—(*see* Form 22)—signed by a solicitor, or embodied in the statutory declaration of the applicant, or of a valuer. (Should any question as to value arise, the registrar has power to require further evidence—*see* rules 36 of 1862, and 12 of 1864.)

(9.) The fee for registration, as above directed, "Registration of Instruments not Testamentary," para. (5). Where (as is usual) the death is registered at the same time, the fee (5s.) for registering a death will also be payable in addition.

(10.) Deposit, as above directed, in the case of other instruments, para. (6).

The land certificate need not be produced, unless a new or corrected certificate be required, in which case *see* p. 15 (iii.) (end) as to certificates.

Where the will contains devises of different estates, and does not distinguish them by reference to the register, a statutory declaration should be furnished identifying the estate with its description in the will, or stating that it forms part of the residuary gift.

Where the will contains separate devises of different portions of the estate, the devisees should make a joint application in Form 23 for the registration of the will and for the separation of the several portions into separate titles. The evidence should include a statutory declaration, exhibiting a plan, distinguishing the portions separately devised, and identifying the several verbal descriptions in the will with the portions shewn on the plan. The same process will apply to a partition deed, only if there be a good plan on the deed no further evidence as to the parcels will be needed.

It is occasionally convenient to register, together with a death and will, sundry other instruments and occurrences, such as deaths of annuitants, tenants for life, or trustees, failure of issue, disclaimers, &c. The memorial can be made to extend to these matters without difficulty. Forms 24 and 25 are examples of such memorials.

(v.) *Registration of Facts, &c.*

A memorial of every occurrence affecting the title to registered land should be registered (*see* sec. 83 of the Act). The principal classes of such occurrences requiring registration will appear from the forms, &c., referred to below.

To obtain registration of such an occurrence there should be left at the office—

(1.) Application to register, in Form 26.

(2.) Memorial of the occurrence in question, and of the evidence to be furnished in support (*see* various Forms 28 to 44, and rule 7 of 1864).

(3.) Statutory declaration, in Form 27, exhibiting the certificates, orders, resolutions, or other evidence required (*see* Forms 28 to 44 and notes thereto) and identifying the person named in such certificates, &c., with the person named on the register as the owner of the estate or interest affected.

(4, 5, 6.) Certificate of value, fee, and deposit, as above, in the case of wills, paras. (8), (9), and instruments, para. (6.) The memorial should not be printed before it has been settled by the registrar.

(7.) Such other evidence as may be necessary under the circumstances of the case, as to which *see* the Forms 28 to 44, above referred to.

See last page as to certificates.

(vi.) *Registration of a Chain of Title.*

It occasionally happens, owing to the neglect of persons interested to register their conveyances, &c., at the proper time, that a number of consecutive documents and facts are required to be registered together, some of which (for instance, discharged mortgages, and dealings with the land previous to the last sale) are entirely exhausted, and have no subsisting effect whatever.

With regard to the exhausted deeds and facts, it is not necessary to register them at full length, though, if they are not numerous and not very long, it will generally be found easier to do so than to incur the trouble and expense of memorialising them. But where these exhausted matters are very lengthy it will be found best to separate them out and register a memorial only with respect to them. This memorial will be verified in the office by comparison with the original documents or other evidence, and will be cancelled at the same time that it is registered. The memorial should state, with

the utmost conciseness, each step in the title. Forms 45 and 47 are examples of such memorials.*

Subsisting documents and matters, that is, the last purchase deed and all matters subsequent to it, and all subsisting mortgages, must be registered separately in the usual way, by printed copy of each deed and separate memorial of facts, &c. (if any).

In the case of dealings with mortgages and incumbrances only, and facts affecting the title thereto, it suffices to recite them fully in the document tendered for registration. The original documents and evidences of facts are produced at the same time and compared with the recitals in the deed. This distinction is owing to section 77 of the Act, which appears to authorise less formality in these cases.

In any case, the fees which would have been paid on each registration, according to the scale of charges subsisting when the application is actually made, will have to be paid, except that where the transaction in respect of which the application is made, affects only a part of the land comprised in the earlier transactions, a proportionate reduction of the fees payable on those transactions is allowed.

Cases of special hardship should be mentioned to the registrar, and his directions taken (*see* rule 17 of 1864).

(vii.) *Attestation and Identity.*

(1.) *In the case of documents :—*

In the absence of special circumstances (as to which, *see* below) there must be a statutory declaration by the attesting witness (who may be any person) verifying execution by the grantor, and also a statutory declaration by a solicitor identifying the grantor as the person named in the register (if such be the case) under the title affected (*see* rule 4 of 1864).

* Form 26 will suffice for the application, which will be presented as above directed (v.) If the memorial includes an absolute transfer of the fee simple, the land certificate (if any) must accompany the application (*see* rule 16 of 1864).

It is generally found convenient for the solicitor who intends to identify the grantor, also to attest execution by him : thus only one declaration is required. Form 17 is suited to these circumstances, and can also be adapted to the case, where the attesting witness is not a solicitor and separate declarations are made.

Where the instrument is executed by attorney, the requirements stated in the note to rule 5 of 1864, must be attended to.

In the case of wills, the declaration by the attesting witness should also state that the testator was of sound mind at the time of executing the will (*see* Form 21).

Where successive documents of title are included in one application, the identity of the first (or registered) grantor should (if possible) be regularly proved by a solicitor; as to the remainder, the declaration of any suitable person will suffice. The declarations should identify each subsequent grantor as the grantee named in the previous deed.

In the case of a vesting or other order of Court, if the order clearly identifies the registered owner as a party to the proceedings, or as the testator in the cause (or as the case may be), no declaration of identity will be required.

Execution by a building society or company will be sufficiently verified by a declaration by the solicitor, secretary, or other competent officer, in Form 48. The identity of the society or company need not be specially proved.

Where an instrument is executed abroad, it should, if practicable, be executed before a British consular officer or notary, whose sealed certificate of execution and identity will be sufficient verification. Otherwise, the attesting witness should make his declaration before a British Consular officer, and a solicitor's declaration of identity (from the handwriting) should also be furnished.

(2.) *In the case of facts :—*

A statutory declaration of identity by a solicitor (if possible), in Form 27, should be furnished (*see* also the evidence stated in the various examples in Forms 28 to 47).

(3.) *In cases of difficulty :—*

Where the above regulations cannot be complied with, without a disproportionate amount of trouble or expense, such evidence should be furnished as may be reasonably available, accompanied by a written statement of the circumstances which have caused the difficulty. The registrar has a general discretion in such cases under rules 4 and 17 of 1864.

(viii.) *Deposits for Expenses.*

In addition to the registration fees, there are certain expenses in connection with all registrations for which (under rules 12 of 1862 and 11 and 15 of 1864) provision is required to be made by leaving a deposit of money with the application.

The deposits required vary according to circumstances, and are as follows :—

(1.) *On application to register :—*

In all cases	£0	5	0
For printing (where required)	0	15	0
For new deposit map (where required, namely, on the sub-division of an estate).	1	0	0

No document will be noted on the register or considered to be received for registration unless or until (in addition to the Land Registry and Inland Revenue stamps due) the above deposit has been paid.

Cheques and orders for deposits should be made payable to "the Office Stationer, Land Registry."

An account will be kept of all expenses, and the balance or deficiency (if any) will be returned to, or paid by, the applicant when the registration is complete.

Where a document is very lengthy, or an unusually expensive map is required, a higher or additional deposit may be demanded.

For scale of authorised stationer's charges, see note to rule 2 of 1866.

The expenses thus provided for include (besides printing and mapping, where required) examining print (*see* note 8 to fee order of 1889), fair copying statements of draft entries for approval by the parties, engrossing entries in register, and 1s. for keeping and fair copying the account.

(2.) *On application for land certificate :—*

Where the tracing from a former certificate is available for use in the new certificate	£0 7 6
Where there is no such tracing avail- able	0 10 0

The same regulations apply, as above stated in the case of applications to register, except that sixpence only is chargeable for keeping the account, and, where the application is made at the same time as an application to register, no separate charge for the account is made.

The above sums are independent of Land Registry fees and Inland Revenue stamps. Stamps for these should be affixed and impressed respectively before the application is left in the office.

(ix.) *Completion of Registration and return of Documents.*

See rules 26 and 27 of 1862 and rule 17 of 1864, and notes.

As soon as the instrument is left in the office, with the proper application, evidence, and fees, a temporary note is entered in the register forthwith (rule 19 of 1864), and the date of such note is the date of the registration (*see* sec. 36 of the Act).

The instrument is then printed (if not printed by the applicant), and if a new map is required it is made and submitted to the applicant for approval. The printing takes two or three days, the making and approving of the map (where needed) usually occupies three weeks, but if the directions in Chapter II. (v.) are followed, both these delays may be entirely avoided.

Statements of the proposed entries in the register, and any requisitions that may appear necessary are then issued, in accordance with rules 27 and 28 of 1862. The drafting and issuing of these statements occupies three or four days as a rule.

When the applicant has returned the statement, approved, and has satisfied the requisitions (if any), and the 10 days allowed for the other parties to object have elapsed, the case is marked as ready for entry in the register, the application is virtually completed, and the land certificate, if desired, can be issued.

The instrument is endorsed with notice of registration, and can be returned as soon as the statement is approved and requisitions satisfied. As instruments are kept in the office till called for, or otherwise demanded, applicants should remember to give directions in returning their statements as to the return of the instrument.

(x.) *Appeals.*

Questions as to the effect of instruments, rights of person, and mode of entry in the register, can be referred by the registrar, or by any party interested, to a judge of the Chancery Division (sec. 17 of the Act).

A statement in writing of the circumstances of the case should first be prepared for the opinion of the Court, and certified by the registrar (*Re Kennard*, 11 Jur. N. S. 27). For an example, see *Re Winter*, L.R. 15 Eq. 157, note. After the statement is certified the summons (see Form 57) should be taken out by the party appealing: it need not be served on the registrar, who does not appear. The statement should accompany it. The reference is heard *ex parte*. (*Re Drew's Estate*, L.R. 2 Eq. 206), in chambers (sec. 134), though hitherto always adjourned into Court.

When the order is obtained it should be left, with a copy of the summons, at the registry.

PART II.—RULES AND ORDERS.

GENERAL RULES AND ORDERS OF 1st OCTOBER, 1862.

(MADE UNDER THE 125TH SECTION OF THE ACT.)

[Rules 1 to 11 relate exclusively to the first registration of titles under the Act of 1862, and are now obsolete, owing to section 125 of the Land Transfer Act, 1875, which discontinued such registrations.]

Security for Costs and Expenses.

12. The applicant shall, when required by the registrar, secure the payment of any costs or expenses, by the undertaking in writing of himself or his solicitor, or by deposit of money, as the registrar may from time to time direct.

See Chapter III. (viii.), "Deposits for Expenses."

[Rules 13 to 22 relate exclusively to first registrations and are, therefore, omitted.]

Land Certificates and Certificates of Incumbrances.

23. Any person entitled to have and requiring a land certificate, or certificate of incumbrance, shall apply for the same in writing, stating the particular nature of the certificate required, and the number of the estate on the Registry. Every application for a special land certificate shall be accompanied by the original land certificate, which shall be left at the office, in order that such note may be made thereon as is required by section 70 of the Act.

Every person who is named or described in the record of title as the owner of any estate or interest in land on the register is entitled to have a land certificate (sec. 68 of the Act), and any person who shall appear by the register of incumbrances to be entitled to any mortgage, charge or incumbrance on registered land is entitled to have a certificate of incumbrance (sec. 69 of the Act).

Notwithstanding the general expressions of sections 68 and 69, it is not the practice of the office to issue more than one certificate in relation to the same estate or incumbrance, though more than one person may appear from the register to be entitled.

Application for a land certificate, or certificate of incumbrance, should be in Forms 8 and 9 respectively.

Land Registry stamps for the fee should be affixed to the form (*see* fee order of 1889) and a deposit for cost of engrossing should also accompany (*see* Chapter III. (viii.), "Deposits for Expenses").

Where a previous certificate has been issued it should accompany the application, or evidence (by statutory declaration) of its loss or destruction should be furnished. This is proved (usually) by a statutory declaration stating the facts, so far as known, the enquiries made, and the deponents' means of information, and *see* sec. 118 of the Act.

As to certificates generally, *see* secs. 68 to 73 and 118 and 119 of the Act. It will be observed that the provisions as to new certificates, comparison of certificates with the register, special certificates, certificates being evidence, conveyance by endorsement, deposit of certificate, loss or destruction of certificates, and new certificates, do not expressly include certificates of incumbrance. It is, however, the practice of the office to apply these provisions, except the provisions as to special certificates, to certificates of incumbrance.

As to production of certificates on transfers, *see* rule 16 of 1864, and notes thereto.

The use of special certificates is explained in Chapter II. (vi.), "Completion."

24. If any comparison of, alteration in, addition to, or omission from a land certificate or certificate of incumbrance shall be at any time required, application for the same shall be made in writing, and such course shall be taken and acts done with respect thereto as the registrar shall direct.

The holder, whether or not appearing on the register to be interested in the land, can apply for comparison of the certificate with the register (sec. 69 of the Act).

The application should be in Form 10, and should be accompanied by the certificate, the fee, and a deposit, as stated in the note to the last rule.

The alteration of a certificate, under sec. 69, is in the discretion of the registrar; in no case can a land certificate be altered after a transfer for value of the whole of the land comprised in it. In such case a new certificate should be applied for.

Attendances at the Office on Sale, &c., of Registered Land.

25. Previously to any attendance at the office under the 64th section of the Act, an appointment shall be made for the purpose at least two days before the day fixed for such attendance, and at the time of making such appointment the person making the same shall leave in the office a concise statement in writing of the nature of the proposed dealing, referring also to the number of the estate on the Registry. The applicant shall cause all such notices (if any) to be given, and such acts to be done as the registrar shall direct.

See further, rules 1, 2, 3 of 1864, and Form 51.

The Land Registry stamps for the registration should be affixed to the statement.

But see Chapter II. (vi.), "Completion."

Transfers after Registration not completed under 64th Section of the Act.

26. In case of any transfer, conveyance, or transmission of the estate or interest of any person on the register, by deed or will, or intestacy or bankruptcy, or in any way whatever, or in case of any estate or interest, use, trust, mortgage, charge, lien, right, or title being granted, declared, or arising, or becoming vested, or in any manner created or having come into existence with respect to any land on the register or any mortgage, charge, or incumbrance thereon, any person desiring to register the same shall make an application, signed by such person or his solicitor, for that purpose, and such application shall state the name of the person on the register whose estate or interest may have been so transmitted or affected or dealt with, and the particulars of the property, and the number thereof on the register, and the nature of the new estate or other interest created or declared or arisen, or come into existence therein, and how the same has been created or declared or has

arisen or come into existence, and such further or other particulars as may be required by the registrar.

See secs. 75 to 83 of the Act, and Chapter III. generally.

27. The registrar shall thereupon require such notices to be served and given, and such proof and evidence as he shall think proper, previous to registering such application.

The usual notices required to be served are statements (*see* next rule) of the proposed entries in the register. These are sent to every person appearing from the register to be affected, giving 10 days for objections (if any).

The usual proof and evidence is as stated in Chapter III. generally, and in rules 4 to 9 of 1864, and notes.

28. The person so applying shall leave in the office the statement, signed by himself or his solicitor, of the particular estate or interest or right or title which he requires to be entered on the register, and any objection made by the applicant to the settlement thereof by the registrar shall be proceeded on in all respects in like manner as is provided by the 13th order with reference to the original registration.

The applicant is not required in practice to prepare this statement, nor is it convenient that he should do so. It is drafted by the registrar in accordance with sections 84 and 85 of the Act, and sent to the applicant (or his solicitor) for approval. The registration cannot be completed till it is returned approved by him.

The 13th order is (as to objections) as follows:—

“Objections . . . shall be made in writing and left in the office within such time as shall be appointed for that purpose. On such objections being left an appointment shall be obtained for attendance before the registrar for the consideration thereof.”

Notice under 77th Section of the Act.

29. All notices under the 77th section of the Act shall be signed by the party giving the same, or his solicitor, and contain a proper and sufficient description of and reference to the property on the register, and the name of the person entered on the register, and the date of the instrument, and

the names of the parties thereto, and the consideration for the same, and such other particulars as will enable the registrar to make the necessary entry thereof, and shall contain also an address at which all notices may be served in Great Britain.

Section 77 of the Act provides that notice of every instrument dealing with a registered incumbrance shall be given to the registrar and noted on the register.

Rule 10 of 1864 assimilates (for all practical purposes) the procedure under section 77 to that on dealings with land. This appears to be in accordance with section 75, and with rule 26, p. 26. The application should therefore be framed as directed in Chapter III. (iii.), "Registration of Instruments not Testamentary," and, when left, will be proceeded with as under rules 26, 27, 28, pp. 26, 27, and rules 4 to 9 of 1864, &c.

Restraint of Conveyance.

30. Every application under the 93rd section of the Act shall be signed by the applicant or his solicitor, and shall state the land or charge to which it relates, and refer to the number of the estate on the register, and shall state the particular restriction sought to be placed on the register, and such other particulars as will enable the necessary entry to be made on the register.

Section 93 of the Act provides that the registered proprietor of land or a charge may, as therein mentioned, register certain restrictions on transferring or charging the same.

See Form 7 for application to register such restriction—

The application should be written on white foolscap paper and should bear Land Registry stamps for the fee (*see* fee order of 1889, and note especially the proviso to the fee for restrictions), and should be accompanied by a statutory declaration by the applicant or his solicitor, stating the nature, and giving full particulars (including value) of the estate or interest which the restraint is intended to protect. Evidence must also be furnished that all stamp duties payable in respect of such estate or interest have been paid. It will be observed (sec. 93) that only the proprietor of the land or charge to which the restraint is to relate can apply for its registration, and that (under sec. 94) the registrar has a discretion as to registering the restraint.

The signature need not be verified, and the restraint need not be printed unless required by the registrar.

31. Any application to withdraw or modify any such restriction shall also be signed by the person making the same,

and shall state all necessary particulars, and be supported by satisfactory evidence.

The application (which may be in any form) must be made (sec. 94) by all the persons appearing to the registrar to be interested in the restraint. All signatures must be verified in the usual way (*see* Chapter III., (vii.), "Attestation and Identity").

The evidence will usually be a statutory declaration by the applicant or one of the applicants, stating the facts, and supported, when appropriate, by documentary proof. Where a restriction merely requires the consent of some person, his written consent, duly verified as usual, is all that is required.

Caution or Caveat after Registration.

32. Every caution or caveat lodged under the 96th section of the Act shall be signed by the party lodging the same, or his solicitor, and shall contain an address in Great Britain at which such party is to be served with the notice referred to in the 98th section, and also a description of the land or charge to which the same applies, and his interest therein, and the number of the estate on the register.

See secs. 96 to 100 and 124 of the Act.

The words "caution" and "Great Britain" appear to have been inserted here inadvertently. "Caveat" and "England" are the expressions used in the sections referred to.

Application is made by merely lodging the caveat (in Form 11) with Land Registry stamp affixed (*see* fee order, 1889), accompanied by a statutory declaration by the applicant or his solicitor, and evidence as to stamp duty, as above stated, in note to rule 30 in the case of a "restraint." Usually no notice of the lodging of a caveat is given to the owner of the land. The caveat need not be printed, and should be written on white foolscap paper.

It will be observed (sec. 96) that the applicant may be any person interested in the land or a charge. There is no power under the Act for the cautioner to remove his caveat, or to waive his right to notice, or to consent to a registration being completed before the expiration of 21 days from the date of the notice. There is no power to enter a caveat against a person generally, without specifying the land to be affected.

After notice has been given (*see* Form 12) of any dealing affecting the whole of the land comprised in a title, the caveat is removed, and must be renewed if desired to continue.

The same caveat may affect several titles, a fee of 5s. being payable on every title affected after the first.

If the cautioner's interest extends to only part of the land in a title, the caveat should be confined to that part (*see* note to Form 11): otherwise a case of damages might arise under sec. 100 of the Act.

Caveats are not intended to be substitutes for registration, but only to protect exceptional, minor, or temporary rights. The proviso to the fee order of 1889 should be carefully noticed.

Evidence.

33. Affidavits, to be used in the office, may be sworn before the assistant registrar or a commissioner appointed to take affidavits in the Court of Chancery. The Registrar may, if he think fit, require evidence to be given *vis à voce* before him, and that any affidavits shall be sworn before himself. All affidavits shall be filed in the office, and office copies thereof be taken for use.

Ordinary statutory declarations are used for all purposes in the Registry (*see* rule 49, p. 34) and may be taken in the office.

Declarations now require no Inland Revenue stamp (*see* order of 1891).

The former Land Registry fee of 2s. 6d. on filing declarations is remitted in almost all cases (*see* fee order of 1889).

34. All documents required to be printed, shall, for the sake of uniformity, be printed on paper or parchment of such size and description as shall be approved of by the registrar.

White foolscap is the paper approved.

Value for the purposes of the 127th and 128th Sections of the Act.

35. In the case of the registration of land or of any transfer of land on the occasion of a sale, the registrar may require evidence that the sum mentioned in the instrument of sale as the purchase money is *bonâ fide* the full consideration for which the lands were contracted to be sold, and he may refuse to make such registration until he has been satisfied as to the amount or value of the *bonâ fide* consideration for which such lands were contracted to be sold.

This power is seldom, if ever, used.

36. In the case of the registration of land, or of any transfer of land not upon a sale, and in the case of a land certificate, the value of the land, shall, if required by the registrar, be stated in an affidavit made by or on behalf of the applicant, and may, if the registrar shall think fit, be ascertained by a computation made by him from the rental of the land, or by such other means as shall be satisfactory to the registrar, or may be settled by agreement between him and the applicant; and in the case of the registration of any charge or transfer of charge by way of annuity or yearly sum, the value thereof shall be ascertained by the registrar by affidavit or by such other means as shall be satisfactory to him, or may be settled by agreement.

Usually, the certificate of a solicitor or the statutory declaration of the applicant, or of a valuer, is sufficient evidence of value (*see* rule 12 of 1864).

Where a land certificate is applied for by a purchaser on a sale, no evidence of value is required.

Form 22 will usually suffice for the purposes of this rule.

Removal of Land from the Register.

37. If any registered proprietor of land shall desire to remove the same from the register, he shall make application for that purpose signed by himself, and satisfactory proof shall be given of the consent of all necessary parties to such removal. And previously to such removal, every land certificate or certificate of incumbrance granted with reference to such land shall be delivered up to the registrar and deposited in the office.

And *see* sec. 34 of the Act.

In most cases it will be found preferable to transfer the land to the register kept under the Act of 1875, where fees are lower, and the procedure on dealings and registrations is simpler and more expeditious (*see* Chapter I. (iv.), "Transfer of Titles," &c., and Orders of 1876).

Section 34 requires the consent of all persons appearing by the register to be interested in the land; this includes mortgagees, beneficiaries under settlements, though under disability, &c. These consents must be verified.

Trustees cannot remove land unless expressly authorised.

Present value must in all cases be proved, as above directed, rule 36.

The application may be in any form, and should be signed by the applicants personally, their signatures and identities being verified by a solicitor in Form 27. The fee, in Land Registry stamps (*see* fee order of 1889) should be affixed.

If applied for at the time of removal, office copies of the entries in the register can be issued to the persons entitled, but afterwards no inspection or copy is allowed or issued to any person except under order of the Court.

General Provisions.

38. Any assistant registrar may act for the registrar.

39. All notices required by the Act or these Orders to be served shall be under the seal of the office.

This does not apply to the ordinary notice of proposed entries in the register. Its chief application is to notices under caveats. Such notices bear a 1s. Land Registry stamp.

40. Service of notices through the General Post-office shall be deemed good service, if the registrar shall so direct.

41. All applications to extend the time limited by General Orders for any purpose shall be made to the registrar, who may extend such time as he may think fit.

42. Substituted service on the solicitor, attorney, or agent of any party shall be deemed good service on such party if the registrar shall so direct.

43. In all cases the party applying for registration shall produce evidence from the proper officer, showing that all stamp and other duties imposed by any statute have been duly paid and satisfied.

This is only required in cases of doubt.

44. Every officer of the Office of Land Registry who shall receive any document to or upon which a stamp shall be affixed or impressed under the Act or these Orders shall, immediately upon the receipt of such document, deface such stamp thereon by writing or impressing upon such stamp the words "Land Registry;" and no document so stamped shall be filed or deemed as finally accepted in the office until the stamp thereon shall have been so defaced, and it shall be

the duty of the party presenting such document to see that such defacement has been duly made.

This mode of defacing is discontinued, the initials of the officer, and the date, being substituted for the words "Land Registry."

45. Every application to be made under section 87 of the Act shall be signed by the applicant, and supported by such evidence as the registrar shall require, and the instrument to which such application shall relate shall be left at the office at the same time as such application.

Section 87 of the Act provides for cancelling notes of documents whose purpose is determined.

Mortgages are thus cancelled on discharge, without special application, further evidence, or fee: likewise, on a sale, all previous entries are cancelled (except, of course, such conditions, incumbrances, &c., as continue to affect the land).

[Rule 46 related solely to fees, and is superseded by the fee order of 1889.]

Forms.

47. The several forms specified in the First Schedule to these Orders annexed, for the several purposes therein stated, may be observed and used, with such alterations as may be necessary to meet the circumstances of any particular case, or as the registrar shall from time to time authorize or direct.

Such of these forms as are still in use will be found among the forms at the end, Forms 6 to 12.

Stamps.

48. All stamps shall be stamped or affixed, at the expense of the parties liable to pay the fees, on or to the parchment or paper on which the proceedings in respect whereof such fees are payable are written or printed, or which may be otherwise used in reference to such proceedings. And where any of such fees are payable in respect of any matter or thing to be done, and it is not customary to use in reference to such matter or thing any written or printed document or paper whereon the stamp could be stamped or affixed, the party or his solicitor requiring such matter or thing to be so done shall make application for the same by a short note or

memorandum in writing, and a stamp denoting the amount of the fee so payable shall be stamped on or affixed to such note or memorandum.

This refers to Land Registry fee stamps only. These stamps are sold at the office, and it has also been arranged with the Inland Revenue department that stamps shall be procurable through any post office, and, where time is of importance, that the telegraph may be used by the postmaster to procure them by first post. Cash for the amount of the fees can also be sent to the office stationer, at the Land Registry, who will affix Land Registry stamps accordingly. The office stationer is not a public servant, and such transmission is consequently at the applicant's risk. The stamp should be affixed in all cases to the paper on which the application is written ; and *see* rule 11 of 1864.

Construction of Terms.

49. Wherever the word “solicitor” is used in these Rules the words “certificated conveyancer” shall be deemed to be included, and the word “affidavit” shall include “statutory declaration.”

50. The holidays and vacations of the office shall be the same as those of the Court of Chancery, subject to such orders as the registrar may from time to time make for the regulation and transaction of the business of the office, which shall be open daily to the public, except on Sundays, Good Friday, and Christmas Day, and days duly appointed to be kept as days of general fast or thanksgiving.

The office hours are 10 to 4 except on Saturdays, when they are 10 to 2, and in the vacation 11 to 2 every day.

Incorporeal Hereditaments.

51. All these Rules, so far as they are capable of being so applied, shall apply to the registration of the titles to incorporeal hereditaments.

[The *First Schedule* contains forms ; those now in use will be found among the forms at the end.]

The *Second Schedule*, as to fees, is superseded by the fee order of 1889.

A rule, dated 15th January, 1863, rescinding rule 15 of 1862, and providing for advertisements of applications to register titles, is omitted, as no longer having any application.]

GENERAL RULES AND ORDERS OF 6TH JULY, 1864.

(MADE UNDER THE 125TH SECTION OF THE ACT.)

*As to Dispositions of Land on the Register completed at the
Office under the 64th Section of the Act.*

1. Upon any attendance at the Office under the 64th section of the Act and the 25th of the General Orders of the 1st of October, 1862, the applicant shall bring into the office the document proposed to be executed, prepared in one of the statutory forms. An affidavit of the identity of the conveying or disposing party as a registered owner shall be furnished. Such affidavit shall be made by a solicitor, unless the registrar shall for any reason think proper otherwise to direct.

2. If the registered owner shall not personally attend at the office he must be represented by an agent duly authorized to execute the proposed document, who shall personally attend at the office. A power of attorney, prepared in the statutory form, authorizing such agent to make the proposed conveyance or disposition, and an affidavit of the execution of such power of attorney and of the identity of the person executing the same as a registered owner, and of the identity of such agent as the person named in the power of attorney shall be left in the office. Such affidavit shall be made by a solicitor, unless the registrar shall for any reason think proper otherwise to direct.

3. A statement in writing of the terms in which the final entry of the document in the register is proposed to be made shall be prepared, and shall be settled by the registrar and any objection made to such settlement shall be proceeded on

in like manner as provided for by the 13th of the General Orders of the 1st October, 1862, with reference to the original registration.

See rule 25 of 1862 ; but also see Chapter II. (iv.), "Completion."

It will be observed that only the statutory forms (Forms 1 to 5) are admissible in these cases.

The 13th order of 1862 is given in note to rule 28 of 1862.

As to Dispositions of Land on the Register by document not testamentary and not completed in the Office under the 64th Section.

4. For the purpose of registration the original document, and an affidavit by an attesting witness, if any, or if no attesting witness, by some person verifying the execution thereof by the registered owner, and an affidavit made by a solicitor (unless the registrar shall for any reason think proper otherwise to direct,) identifying the person executing such document with the person named in the register, shall be left in the office.

See also rules 26, 27, and 28 of 1862, and notes thereto, and Chapter III. (iii.), "Registration of Instruments," &c., and (vii.) "Attestation and Identity."

A statutory declaration (rule 29, p. 45) suffices for an affidavit.

5. If the document proposed to be registered shall have been executed under a power of attorney, the power of attorney shall be produced, and, if the registrar shall so direct, left in the office, and the execution thereof by and the identity of the registered owner, and the execution of the document by and the identity of the attorney, must be verified in like manner as provided by the second of these Orders.

In addition to the usual requirements, the application to register should be accompanied by—

- (1.) The original power of attorney, or office copy, if the original be deposited under the Conveyancing Act, 1881, section 48,
- (2.) Verification of execution, both of the power, and of the document executed under it, see Form 49,
- (3.) Evidence of identity of the donor, and of the attorney, and,
- (4.) In cases not covered by the Conveyancing Act, 1882, sections 8 and 9, evidence, by statutory declaration of the attorney, that the

donor was alive at the date of execution of the document, and that the power was then subsisting (*see* Form 50).
See also Chapter III. (vii.), "Attestation and Identity."

Wills affecting Land on the Register.

6. Where the registration of any will or of any estate or interest thereunder is required, the person applying to register the same shall leave in the office a copy of the will or a memorial containing a copy of all the provisions in the will relating to or affecting the registered land; and the copy or memorial left in the office shall be examined and ascertained to be correct at the expense of the applicant, in such manner as the registrar shall direct, and the applicant, if required, shall, at the time of leaving such copy or memorial, or when required by the registrar, deposit in the office a sum sufficient to meet the expense of so verifying the same, the amount of such deposit to be settled by the registrar.

See also Chapter III., (iv.) "Registration of Wills," (vii.) "Attestation and Identity," (viii.) "Deposits for Expenses."

Unless the will is very long indeed, it is less expensive and more satisfactory to register by filing a copy than to incur the trouble and expense of memorialising the special provisions of the will, and subsequently verifying the memorial.

See Form 20 for combined memorial of death and will where the will is memorialised.

Memorials of facts affecting Land on the Register.

7. Where it is required that any birth, marriage, death, descent, intestacy, or other fact shall be entered in the register, the person desiring to register the same shall make an application for that purpose, signed by him or his solicitor, and referring to a memorial signed in like manner and left in the office together with such application, and which memorial shall state the number of the estate on the register

to which the application relates, and the fact or other particular to be entered in the register, together with the nature of the evidence in support thereof. Such evidence and evidence of the identity of the person affected thereby as a person named in the register shall be left in the office.

See Chapter III., (v.) "Registration of Facts," (vii.) "Attestation and Identity," and (viii.) "Deposits for Expenses."

[Rule 8 provided for registration of memorials of judgments, Crown debts, orders, decrees, executions, &c., registered in the office of the senior master of the Court of Common Pleas. This is now only material in respect of executions, and the proceeding in such cases may be assimilated to the procedure in memorials generally (*see* Chapter III. (v.).)]

Transfer of Mortgages of Land on the Register.

9. Where land is entered on the register as subject to any mortgage or any like charge, upon the transfer or other dealing with such mortgage or charge, the person applying to enter the same in the register shall, in case there has been any dealing with or transmission of or interest created or arisen in the same not appearing in the register, leave in the office a memorial or abstract thereof, and produce evidence to prove the title proposed to be entered in the register.

A recital in the deed to be registered (when printed) suffices for the purposes of a memorial under this rule. The evidence to be produced, and the fees to be paid, will be the same as for the express of registration of the instruments or facts singly. Originals of unregistered documents abstracted, memorialised, or recited, must be produced for comparison, at the applicant's expense, in the usual manner.

10. Where notice is given in pursuance of the 77th section of the Act, and 29th of the General Orders of the 1st October, 1862, the instrument referred to in such notice must be produced, and the case proceeded with in all respects as is by these orders provided with respect to dispositions generally, unless the registrar shall for any reason think proper otherwise to direct.

See note to rule 29 of 1862.

Generally as to Land on the Register.

11. No entry shall be made in the register of any document before the stamps in respect of the fees payable under the 127th section of the Act have been affixed on some document sent to or lodged in the office with reference to the proposed registration, and all expenses payable under any General Order have been paid or provided for.

See fee order of 1889, and Chapter III. (viii.), "Deposits for Expenses," and note to rule 48 of 1862.

If a document is sent to the Registry without the full deposit and Land Registry stamps for the fees, it is liable to be returned, and, if retained for the convenience of the applicant, no note or other entry can be made in the books concerning it until the amount of the fees and deposit has been duly affixed and provided.

12. Where the value of the land on the register affected by any document proposed to be registered, and on the registration of which an *ad valorem* fee is payable, does not appear from such document (the same not being a mortgage or charge), a statement in writing of such value under the hand of some competent person shall be left in the office, and the fee payable in respect thereof shall be thereupon paid upon the sum mentioned in such statement to be the value of the property. If such statement, however, shall not be satisfactory to the registrar as to the value, further proceedings shall be taken to ascertain the same under the 35th and 36th of the General Orders of 1st October, 1862, and such further fee shall be paid as the registrar shall thereupon direct.

A certificate by the solicitor, or a declaration by the applicant or a valuer, in Form 22, is usually a sufficient statement for the purposes of this rule. If the amount given be less than that stated in the last dealing for value the fact should be explained.

13. A printed or written copy of every document proposed to be registered, and which by the Act is required to be printed, must be left in the office, and when such copy has

been examined with the original, under the direction of the registrar, and the original has been stamped or indorsed, as provided for by the 75th section of the Act, the original shall be returned on a proper receipt being given for the same.

Two printed copies are to be left: one is filed conveniently for reference, and the other is put away for future use, if required.

If no printed copy be left with the application a deposit for printing should be left instead. *See* Chapter III. (viii.), "Deposits for Expenses."

14. All printed copies or memorials or written copies or memorials not by the Act required to be printed left in the office for registration shall be printed or written on paper of the same description and size as that on which bills in Chancery are required to be printed.

That is to say, white foolscap (R.S.C. 1883. O. 66. R. 3).

15. In case no printed copy of any document required to be printed shall be left in the office, a sum sufficient to meet the cost of printing shall at the time of leaving the document for registration be deposited in the office, the amount of such deposit to be settled by the registrar.

See Chapter III. (viii.), "Deposits for Expenses."

Production of Land Certificate on Transfer.

16. Where a land certificate has been issued, to the possession of which the registered owner whose interest is proposed to be dealt with is entitled, the same must be produced to the registrar or the non-production thereof satisfactorily accounted for before the registration of any proposed dealing with the property is completed.

This rule usually applies only to absolute transfers of the fee simple, consequently the land certificate is not required on registration of a settlement, will, fact or occurrence, or of a reconveyance, transfer of mortgage, or notice of lease.

This rule has no application to certificates of incumbrances.

The circumstances under which a registered owner is not to be considered entitled to the possession of his land certificate have not been

defined—except to this extent, that where the land certificate is in the possession of a *registered* mortgagee its production is not required, but the fact should be stated, and the name and address of the holder should be furnished, if known.

Where the certificate has been lost or destroyed the fact should be proved, as in note to rule 23 of 1862, above.

Completion of Registration.

17. The evidence to be produced of the execution or signature of any document proposed to be registered, and of the identity of any person, and otherwise in support of any proposed registration, shall be such as shall in the judgment of the registrar be satisfactory; and when the registrar is satisfied therewith, and that the several other matters required by the said Act and by General Orders made thereunder to be done prior to registration have been done, he shall forthwith complete the proposed registration.

See rules 27 and 28 of 1862 and notes, and Chapter III. (ix).

If the application is left complete at the office according to the instructions herein set forth, and the parties concerned agree to the proposed entries and return their statements at once, applications to register can be completed within three or four days of the execution of the deed. Where a new map has to be made (as on a sale of a portion of an estate) the registration will—unless the new deposit map has been prepared beforehand, as suggested in Chapter II. (v.)—usually take considerably longer.

The Register.

18. The registrar may keep the books of the register in such manner that the entries therein shall, from time to time, shew only the estates, rights, powers, interest, charges, and incumbrances, exceptions, qualifications, and conditions, for the time being, appearing from the register to be subsisting or capable of taking effect in the land registered under the number to which such entries relate, and for that purpose may from time to time withdraw from the register, by cancellation, any official note or entry.

See Chapter I. (ii).

19. When any document is received for registration, an official note of reference to the same shall be forthwith made in the "Record of Title" or "Register of Incumbrances," as the case may require, which shall consist of a reference to the document, and the date when it was received, and the registration thereof when completed shall bear date in accordance with such note. But if the applicant shall not complete the registration within such time as the registrar shall fix for that purpose, the registrar may cancel such note.

If a note is cancelled in accordance with this rule, a new application and fresh fee will be required for its renewal.

Due notice is given to the applicant of the registrar's intention to cancel a note owing to non-completion.

20. Where any registered land shall become divided by means of any absolute transfer, the registrar may make up a separate record of the particulars of the parts so transferred, and the subsisting estates, rights, powers, interests, charges, and incumbrances, exceptions, qualifications, and conditions therein, distinguished by a separate number, and the part so transferred shall thenceforth be registered as a separate estate. In case of such separate registration, any map of the land deposited in the office shall, at the expense of the applicant, be altered in such manner as the Registrar shall direct, so as properly to distinguish thereon the part of the land so transferred, and separately registered.

See Chapters I. (ii.) and II. (v.)

21. In every case of a dealing with a part only of any land on the register, the registrar may require such maps of such land to be made and lodged in the office, at the expense of the applicant, as he may think fit, and the 7th and 11th of the General Orders of the 1st of October, 1862 shall in all respects apply to such maps.

The rules referred to are as follows :—

7. An accurate map or plan of the property shall be deposited in the office when directed. Such map or plan shall be made in such form and on such scale and in such manner in all respects as shall from time to time be directed, and shall contain the names of all the owners and occupiers of the lands bounding or immediately adjoining the property.

The map is made in the office from the plan on the deed or other particulars supplied by the applicant.

The provision as to the names of adjoining owners is not insisted on in the case of transfers.

11. The registrar may require that the description, quantities, and boundaries of the lands, and the accuracy of any map or plan, be investigated and ascertained by some person nominated and appointed by himself, who shall, at the expense of the applicant, make such surveys and such investigations and inquiries on or in the neighbourhood of the lands, or otherwise, as the registrar shall require. Such notices shall be given of such surveys, investigations, and inquiries in such form and to such persons as the registrar shall direct, and the applicant shall pay the expenses of such surveys, investigations, and inquiries, to such person and in such manner and to such amount as the registrar shall from time to time direct.

This power is seldom, if ever, exercised in regard to transfer maps, and can only be required when the plan on the deed is inconsistent with itself or with the deposited map of the original estate.

22. Where, by reason of the division of or dealing with any land registered under a particular number, the description of the land then remaining registered under such number shall, in the opinion of the registrar, be no longer correct or be unnecessarily complicated, and the registrar shall think that the same ought to be corrected, or that a new map thereof ought to be made, the registrar may, on the application and at the expense of the person seised, or entitled to the possession of the land, correct such description, and may also cause such new map to be made and marked with the like number as the map deposited in the office; and such description so corrected, and such new map (such new map being first deposited in the office) shall thenceforth be the description and map of the land registered under such number.

Applications for this purpose should be made in writing by the person requiring the new map or description, or his solicitor.

It will be observed that this matter is left to the discretion of the registrar.

This rule also applies to the case of a map becoming worn out.

23. Where land is subject by will to a charge of debts or legacies, the names of the creditors or legatees shall not be entered in the register unless the registrar shall think fit to do so, but the nature of the charge and the persons to raise the same shall be entered or described in the register.

24. Where monies are payable to trustees having power to give receipts for the same, the names of the persons beneficially entitled to such monies shall not be entered in the register unless the registrar shall think fit so to do, but the nature of the trust shall be shortly stated or referred to, and the names of the trustees shall be entered on the register.

In the same manner, since the Settled Land Acts, the names of the tenant for life, and the trustees of the settlement (if any) under those Acts are entered on the register.

25. The registrar shall enter all leases and agreements for leases (not registered under the 26th section of the Act), which are to be registered under the provisions of the Act, in the "Register of Mortgages and Incumbrances;" but no under-lease or assignment of or dealing with the interest of the lessee only under such leases or agreements, shall be entered in the register, unless the registrar shall think proper to make such entry.

The 26th section of the Act establishes a Register of the Title to Leasehold Estates, in which not only the lease, but all dealings with it, are entered similarly to freeholds. Leases entered in the Register of Mortgages are noticed only, and no dealings with them are recorded.

The words, "to be registered," in this rule are considered to apply only to such leases and agreements as require registration in order to be protected; namely, leases and agreements exceeding 21 years, or not in occupation (*see* sec. 29 of the Act).

Generally speaking, the lease should be produced, and a printed copy filed as usual with documents to be registered; but for fee purposes the mere mention of the particulars of a lease in any registered document is treated as a registration of the lease, and is charged for accordingly.

26. The registration of any document or title under any number on the register shall not be deemed registration of such document or title, in respect of any lands not entered on the register under such number.

The importance of correctly filling in the numbers of all titles to be affected by any application should be observed. A fee of 5s. is payable for each additional title.

Where an instrument or matter, already duly registered under one number, is to be registered under another number also, the application should refer to the former registration, and should contain a request that the prints and evidence left in respect thereof may be used in the present application. The original instrument (if any) should accompany the application, together with the usual solicitor's statutory declaration, identifying the grantor as named on the register under the additional title. Forms 52 and 53 contain applications of this nature. If the original registration was not made by the applicant or his predecessor in title, written permission of the present registered owner of the title under which they are registered must be obtained to use the prints and evidence. It may be endorsed on the application.

The fee payable is the same as on an independent registration.

[Rule 27 contains a somewhat lengthy provision for the examinations of married women under section 115 of the Act. Owing to recent changes in the law, and other circumstances, this rule may almost be said to be obsolete. If ever required, full instructions as to the procedure can be obtained at the office. As a rule, a certificate, in Form 54, signed by one commissioner and endorsed on the deed will suffice. *See* Conveyancing Act, 1882, sec. 7, sub-secs. 1, 2.]

Generally.

28. In case of death, or transmission or change of interest, pending any registration, the proceedings therein shall not abate, but shall be available to the heir, devisee, grantee, or assignee, if he shall think proper to adopt the same.

29. Wherever the word "solicitor" is used in these Orders, the words "attorney or certificated conveyancer" shall be deemed to be included; and the word "affidavit" shall include "statutory declaration."

GENERAL RULES AND ORDERS OF 27TH JULY, 1866.(MADE UNDER THE 125TH SECTION OF THE ACT.)

1. The registrar may, in any case where he shall so think fit, require that the particulars to be furnished by the 7th section of the Act, and the form of any entry to be made in the register, and any matter of title shall, at the expense of the applicant, be referred to, and reported on by, one of the examiners of title or one of the conveyancing counsel of the Court of Chancery, and for the purposes aforesaid may direct that all such abstracts of title, documents, and office or other copies as he may think necessary shall be furnished at the like expense, and laid in such manner as he shall direct before such examiner of title or conveyancing counsel.

The 7th section of the Act relates to first registrations, and is no longer operative, but in the course of dealings with registered estates, questions of title occasionally arise, especially in regard to instruments not registered at the time of execution. To such cases the rule still applies, though it has never, in fact, been used in any matter subsequent to first registration.

The examiners of title are the examiners appointed under the 110th section of the Act.

2. The registrar may direct that the stationer's charge or any part of the stationer's charge for making any copy, entry engrossment or other writing in the office be paid by the applicant.

The following charges are authorised under this rule :—

	Per folio.
Fair copy statement of proposed entries for the register (usually about 4 folios) and all office copies of entries in the register or documents filed in the office.	£0 0 2
Engrossing entries in the register (seldom over 2s.)	0 0 3
Engrossing land certificate or certificate of incumbrance (usually about 3s.)	0 0' 3
Draft of same	0 0 2
Making up certificate, sealing, attaching tracing, &c.	0 1 0
Tracing of map for certificate, according to the work involved, but usually	0 5 6
<i>See also Chapter III. (viii.), "Deposits for Expenses."</i>	

[An order as to certain fees was also contained in these orders, but is now superseded by the fee order of 1889.]

ORDERS OF 1ST JANUARY, 1876.

(MADE UNDER THE 126TH SECTION OF THE LAND TRANSFER ACT, 1875.)

1. Any person or persons appearing from the register kept pursuant to the Act of the 25 and 26 Vict. c. 53, hereinafter called "The Land Registry Act, 1862," to be entitled to such an estate or interest as would enable him or them to make an original application under the Land Transfer Act, 1875 (hereinafter called the principal Act) to be registered as first proprietor or first proprietors, or to have a nominee or nominees registered in his or their stead if not registered under the Land Registry Act, 1862, or if there be no such person or persons, then any person or persons appearing from the said register to be beneficially interested, may at any time after the commencement of the principal Act, and with the consent of such persons, if any, as the registrar may think proper, apply to be registered, or (if the case so admit) to have registered in his or their stead a nominee or nominees as proprietor or proprietors, and the registrar may register him or them in the same manner, and with the same incidents in and with which the registrar is by the principal Act empowered to register the proprietorship of land, and such registration shall be made without the payment of any official fees.

The persons enabled to apply for registration under the Act of 1875 are the following :—(Sec. 5.)—Persons who have contracted to buy, or who are entitled at law or equity to, or who are capable of disposing by way of sale of, an estate in fee simple in land for their own benefit (whether subject or not to incumbrance). Provided that in the case of land contracted to be sold the vendor consents to the application. Also (Sec. 68.) persons holding land on trust for sale, and any trustee, mortgagee or other person having a power of selling land. This section is considered to include "tenant for life" under the Settled Land Acts.

The application should be in Form 55, and should be signed by the applicant personally, and should be accompanied by a certificate, in Form 56, by his solicitor (if any) : the signatures need not be verified.

Not more than four persons can be registered as co-proprietors under the Act of 1875. (Sec. 83 (2) of the (1875) Act and rule 27 of 24 Dec. 1875).—Consequently when there are more than four persons entitled, they must select four of their number to represent them on the register, the others being

protected (if thought necessary) by cautions or restrictions under sections 53 to 59 of the (1875) Act and rules 16 to 19 of 24 Dec., 1875.

The consents of incumbrancers (but not of lessees) are usually required by the registrar on transfers to the 1875 Act; such consents can be given by the respective solicitors.

Mortgages and incumbrances subsisting at the time of re-registration are entered as incumbrances against the title, and subsequent dealings with them do not admit of registration. When discharged, application to notify cessation should be made under the 1875 Act (sec. 19).

Where the application for re-registration is made by a mortgagee in virtue of his power of sale, the mortgagor and other incumbrancers (if any) must consent personally.

Stationer's charges (which are not considered "official fees") are payable by the applicant. These charges seldom exceed 2s.

2. Upon any application under these Orders the registrar may dispense with any of the proceedings under the General Rules made under the principal Act as he shall consider proper to be dispensed with, and the matter shall be proceeded with as the registrar shall direct.

All proceedings except those here mentioned are usually dispensed with, and the re-registration is made immediately on receipt of the application and consents (if any).

The land certificate, if outstanding, and in the applicant's control, is required to be delivered up. If the application is made on a dealing, the usual fee is charged for the new certificate, but if the application is not made on a dealing, and the existing land certificate is complete up to date, no fee (except stationer's charges—about 2s. 6d.) is payable for the new certificate. The fees for certificates are the same as under the Act of 1862 (*see* fee order of 1889).

3. Upon any registration being made under these Orders, the register under the Land Registry Act, 1862, shall be closed, and a note made thereon that the land is registered under the principal Act. And the Registry under the principal Act shall be subject to the entries in the said register at the closing thereof, and to any rights acquired in pursuance of registry under the Land Registry Act, 1862.

Boundaries are guaranteed under the 1862 Act (being nowhere excepted from the effect of registration) and this right is preserved on a re-registration.

All entries subsisting in the 1862 Register at the time of closure are carried over, as nearly as possible *verbatim*, to the new title.

The new title bears the same number as the old, with the addition of the letter T, signifying "transferred," but titles afterwards derived from it are not specially distinguished.

4. The registrar may at any time after the said register has been closed, direct the delivery out of office copies of or from the register as at the date of the closing thereof, to any person who shall satisfy him that the same ought to be delivered to him; and such office copies shall be *prima facie* evidence of the entries contained in the register in respect of the several matters mentioned in such office copies.

If the applicant be a person named in the closed register, his statutory declaration, stating that he is still interested in the land, will suffice. If he be not so named, his statutory declaration should deduce his title from some person so named. The consent of the subsisting registered proprietor of the land is also usually required.

Office copies of such entries only as relate to the interest so claimed by the applicant will be delivered to him.

This rule has no application to titles closed on removal of the land from the register, as to which *see* rule 37 of 1862 and note thereto.

5. Any person aggrieved by any order of the registrar under these Orders may appeal to the Court in the manner provided by the General Rules of the 24th day of December, 1875.

The provision referred to is as follows :—

Rule 59.—Upon any application to the Court being made on the requirement of or appeal from the registrar, or for the rectification of the register, under the 96th section, a statement shall be prepared by the applicant and settled and signed by the registrar, and forwarded to the Court through the office before the hearing. All applications to the Court and appeals from the registrar shall be by summons. No appeal from a decision or order of the registrar, or of the Court, shall affect any dealing for valuable consideration duly registered before a notice in writing of such appeal has been lodged in the office on the part of the appellant, and a note thereof made, on his application, in the register.

No appeal shall be brought from a decision or order of the registrar, or of the Court, after 28 days from the date of such decision or order, without leave of the Court.

Service of any order or official copy order of any Court on the registrar shall be made by leaving the same in the office, and an application shall be left at the same time for the rectification of the register being made, or any other act being done in accordance with such order, and the matter shall be proceeded with as the registrar shall direct.

FEE ORDER OF 16TH JANUARY, 1889.
(MADE UNDER THE 127TH AND FOLLOWING SECTIONS OF
THE ACT.)

The following is the Schedule of Fees payable under the above Order in respect of matters arising under the Act. The asterisk notes and final N.B. are in the Schedule. The numbered notes are additional.

For registration of every conveyance or transfer (1) for value, and of every mortgage or charge :—

Value of Land or charge. °		Fee.
		£ s. d.
Not exceeding £50		0 6 6
Exceeding £50, and not exceeding £100		0 12 6
" 100	200	0 19 0
" 200	300	1 5 0
" 300	400	1 11 6
" 400	500	1 17 6
" 500	600	2 5 0
" 600	700	2 12 6
" 700	800	3 0 0
" 800	900	3 7 6
" 900	1,000	3 15 0
" 1,000	2,000	6 5 0
" 2,000	3,000	8 15 0
" 3,000	4,000	10 0 0
" 4,000	5,000	11 5 0
" 5,000	6,000	12 10 0
" 6,000	7,000	13 15 0
" 7,000	8,000	15 0 0
" 8,000	9,000	16 5 0
" 9,000	10,000	17 10 0
Exceeding £10,000, at the rate of £17 10s. for the first £10,000, and for every additional £1,000, or part of £1,000 up to £100,000		0 12 6
Over £100,000 as for £100,000.		
For registration of every transmission, and of every conveyance or transfer, when the transaction is not for value (3), (4)		<div style="display: flex; align-items: center;"> <div style="font-size: 3em; margin-right: 5px;">{</div> <div> One-fourth the above fees : with a minimum fee of 5s. and a maximum fee of £10. </div> </div>

° Where the amount of the charge is also secured on unregistered property, such abatement of the fee shall be made as the registrar shall think reasonable (2).

For every land certificate or certificate of incumbrance :—

	£	s.	d.
Where the value of the land or charge does not exceed £1,000	0	10	0
Where the value of the land or charge exceeds £1,000, but does not exceed £5,000	1	0	0
Where the value of the land or charge exceeds £5,000, but does not exceed £10,000	2	0	0
Where the value of the land or charge exceeds £10,000, but does not exceed £20,000	3	0	0
Where the value of the land or charge exceeds £20,000, but does not exceed £40,000	4	0	0
Where the value of the land or charge exceeds £40,000	5	0	0
For every special certificate, and for altering or adding to a certificate, or certifying that no alteration need be made	Half the above charges.		
For every statement for the Court signed by the registrar .			
For each separate record on separate registration under section 28 of land already entered on the register .			
For every notice under section 77 entered on the register .			
For every caveat or restriction on transferring or charging any land or charge			
Provided that in respect of any such caveat or restriction entered to protect any estate or interest capable of registration, the same fee shall be payable as on a registration of such estate or interest (5) ; and if such estate or interest should be afterwards registered, no further <i>ad valorem</i> fee shall be payable in respect of such registration.	1	0	0
For every abstract left in the office	0 10 0		
For examination of abstract with deeds when made by officers of the registry, per hour			
For registration of any lease or agreement for a lease, or reconveyance or release of mortgage (6), (7)			
For removal of any registered instrument from the register or the erasure or cancellation of any official note under section 87 (6)			
For execution of every instrument prepared (under section 64) at the office	0 7 0		
*For removal of any restriction on transferring or charging land or a charge			
For every summons to attend the registrar	0 5 0		
For inspection of the register, or of any document kept in the office			
For every extract from, or copy of, any entry in the register, or document kept in the office			
For registration of any memorial, or other document, matter, or thing, for which no other fee is payable			
* Remitted, if required on the occasion of a registration for which an <i>ad valorem</i> fee is payable.			

	£	s.	d.
For examining prints of deeds where the same are not in statutory form, per side (8).	0	0	9
*For filing an affidavit or declaration	0	2	6
For administering an oath or declaration	0	1	6
For every exhibit therewith	0	1	0
For every notice under the seal of the office	0	1	0
For removal of land from the register (under section 34) .	{ Double the fee payable for registration of a conveyance for value.		

N.B.—The above fees are in every instance exclusive of stationer's and mapping charges (9).

* Remitted, if required on the occasion of a registration for which an *ad valorem* fee is payable.

Notes to the above Schedule of Fees.

(1.) "Transfer" is considered to include a transfer of mortgage.

(2.) Where this abatement is claimed there must be a certificate from a solicitor, or a statutory declaration by the applicant or a valuer, stating the respective values of the registered and the unregistered property comprised in the charge.

This appears to apply also to the registration of a collateral security, or a substituted security where part of the original security remains subject to the charge.

(3.) Bankruptcies and successions on death are the most frequent instances of transmissions. In the case of succession on death the 5s. fee for registering the death is payable in addition: death of a joint tenant (not being the survivor), tenant for life, or annuitant, does not involve a transmission fee.

(4.) Similar evidence of value should be furnished as in note (2).

(5.) This is charged in addition to the fixed fee of £1.

(6.) By the Building Societies' Act, 1874, sec. 42, the fee for registering the discharge of a mortgage to a building society is fixed at 2s. 6d. only.

(7.) The 10s. fee on a reconveyance of a mortgage includes cancellation of the mortgage on the register.

(8.) No charge is made where the print covers only one side. A side contains about seven folios of 72 words.

(9.) As to stationer's and mapping charges, *see* note to rule 2 of 1866 and Chapter III., (viii.) "Deposits for Expenses."

ORDER OF 12TH OCTOBER, 1891.

(MADE UNDER THE 127TH SECTION OF THE ACT.)

Affidavits and statutory declarations made on and after the date of this order for the immediate purpose of being filed, read, or used in the Land Registry, are not to be chargeable with Inland Revenue stamp duty.

This, of course, refers only to the Inland Revenue impressed stamp. The Land Registry fee for filing (where chargeable—*see* fee order of 1889) remains.

PART I.—FORMS IN THE SCHEDULE TO THE ACT.

FORM 1.

Dated this

day of

(Signed and sealed by A.B.)

E.F. of, &c.,

FORM 2.

Dated this

day of

I, *A.B.*, in consideration of [five thousand pounds] lent to me by *C.D.*, grant to *C.D.* and his heirs the hereditaments as described

in the Schedule, to secure to *C.D.* the payment of the principal sum of [five thousand pounds] on the day of and interest at five per cent. in the meantime, half-yearly. *C.D.* shall have power to sell on default of payment of the principal or interest or any part thereof respectively.

(Signed and sealed, &c.)

Witness (*as above*).

Note.—The provisions of the Conveyancing Act would apply to a mortgage in this form, but it is not advisable to omit the power of sale on that account; and *see* notes to Form 1. The forms of description there given are preferable to a schedule, and can be used here.

FORM 3.

TRANSFER BY INDORSEMENT.

I, the within named *A.B.*, in consideration of [five thousand pounds] paid to me by *C.D.*, transfer to *C.D.* the within mentioned lands.

Dated, &c.

(Signature and Seal.)

Witness (*as above*).

Note.—This form is considered to pass a legal estate in fee simple by virtue of sections 63 to 67 of the Act. But it would be advisable to add the words of limitation “and his heirs” or “in fee simple” after the name of the grantee; and *see* notes to Form 1.

FORM 4.

TRANSFER OF CHARGE.

I, the within named *A.B.*, in consideration of [five thousand pounds] paid to me, do transfer to *C.D.* the within mentioned mortgage.

Dated, &c.

(Signature and Seal.)

Witness, &c.

Note.—This form is considered to be a legal transfer of the mortgage debt, and conveyance of the fee simple (*see* secs. 63 to 67 of the Act). But it would be advisable to add the words “his heirs, executors and administrators” after the name of the transferee; and *see* notes to Form 1.

FORM 5.

POWER OF ATTORNEY TO MAKE TRANSFERS.

I, *A.B.*, do appoint *C.D.*, my attorney, to transfer to *E.F.* absolutely [or by way of mortgage, *as the case may be*] all my lands as entered and described in the Register of Estates under No. 129 and my estate therein.

(Signed and sealed.)

Witness,

A.B.,

Solicitor of the Court of Chancery,
or, a certificated Conveyancer.

Note.—Add “this power is irrevocable for one year after date,” and *see* notes to Form 1 and rule 5 of 1864.

On going to reside abroad, a registered owner of land or a charge should leave with his solicitor a general power of attorney in the fullest and amplest terms, and expressed to be irrevocable for a year. It is not necessary to refer to the register in such power, or to use any special form.

PART II.—FORMS IN THE FIRST SCHEDULE TO THE RULES
OF 1862.

[Only those still in use are here given.]

FORM 6.

Application to Register Transfer or Transmission affecting registered Land.

LAND REGISTRY.

No.

In the matter of the Act of the 25th and 26th of Victoria,
cap. 53.

E.F. of having become entitled
to or interested in the estate in [or, in the charge on] the lands in
the parish of in the county
of registered in the name
of of and
numbered on the register in the manner following [here state
shortly the nature of the transferred or transmitted estate according to

the 26th Order] hereby requests the Registrar of the Office of Land Registry to register the title accordingly.

Dated the

day of
(Signed) *E.F.*
[or *C.D.*

of
Solicitor of the said E.F.]

N.B.—This form (adapted) is published, and can be had at the office, or at Messrs. Fry's, Law Stationers, South Square, Gray's Inn.

FORM 7.

Application by Proprietor restraining Transfer or Charge.

LAND REGISTRY.

No.

In the matter of the Act of the 25th and 26th of Victoria, cap. 53.

A.B. of hereby directs that no transfer shall be made of or charge created on the lands [or, *the charge on the lands, as the case may be*] in the parish of in the county of numbered on the register, of which lands [or *charge*] he is registered proprietor, unless [*here insert nature of restriction having regard to the 93rd section of the Act*].

Dated the

day of
(Signed) *A.B.*
[or *C.D.*

of
Solicitor of the said A.B.]

FORM 8.

Application for Land Certificate.

LAND REGISTRY.

No.

In the matter of the Act of the 25th and 26th of Victoria, cap. 53.

A.B. of hereby requests the Registrar of the Office of Land Registry to deliver to him, a person named and described in the record of title as the owner of

an estate or interest in the lands numbered _____ on
the register, a land certificate [or a special land certificate as the case
may be].

Dated the _____

day of
(Signed) A.B.

[or C.D.

of

Solicitor of the said A.B.]

N.B.—This form is published, and can be had as Form 6.

For a special Land Certificate, the original Land Certificate (if
any), must accompany the application (see p. 24).

FORM 9.

Application for Certificate of Incumbrance.

LAND REGISTRY.

No. _____

In the matter of the Act of the 25th and 26th of Victoria,
cap. 53.

E.F. of _____ hereby requests
the Registrar of the Office of Land Registry to deliver to him, a
person appearing by the Register of Incumbrances to be entitled
to [here state nature of incumbrance] on the lands
numbered _____ on the Register, a certificate of the incum-
brance to which he is so entitled.

(Signed) E.F.

[or C.D.

of

Solicitor of the said E.F.]

FORM 10.

*Application by Holder of Land Certificate for additional or
amended Certificate.*

LAND REGISTRY.

No. _____

In the matter of the Act of the 25th and 26th of Victoria,
cap. 53.

A.B. of _____ being the holder
of a land certificate of the lands numbered _____ on the

Register, hereby requests the Registrar of the Office of Land Registry to compare such land certificate with the Registry.

(Signed) A.B.

[or C.D.

of

Solicitor of the said A.B.]

FORM 11.

Caution after Registration.*

LAND REGISTRY.

No.

In the matter of the Act of the 25th and 26th of Victoria,
cap. 53.

E.F. of being interested in the county of
dated the day of 18 or, state the
nature of interest] in the lands in the parish of
in the county of † registered in the name of
of the parish of
in the county of [or in the mortgage for £
dated the day of 18 registered
in the name of of the parish of
in the county of on the lands in the parish of
in the county of
or otherwise, as the case may be] numbered in the Registry,
requires that no disposition of such land [or charge] shall be made
until notice has been served on him.

The address of E.F. for service is at
in the county of

Dated the

day of

(Signed) E.F.

[or C.D.

of

Solicitor of the said E.F.]

N.B.—Where the caveat is to apply to part only of the land comprised in the title (or mortgage, &c.) insert, at the mark † the words “shewn and edged with red on the annexed tracing, being part of the land,” and furnish a tracing accordingly; and see rule 32 of 1862 and notes.

* The word “caution” appears to have been used inadvertently, “caveat” is the word used in secs. 96 to 100 of the Act.

FORM 12.

Notice to Cautioner after Registration.

LAND REGISTRY.

No.


In the matter of the Act of the 25th and 26th of Victoria,
cap. 53.

TAKE NOTICE, That the caution or caveat lodged by you in this
office on the day of 18 , requiring notice
to be given to you before the disposition of the lands registered in
the name of of in the county of
and numbered on the Registry [*copying the terms of the Caution
or Caveat*], will cease to have effect after the expiration of 21 days
from the date hereof, unless an order to the contrary be made by
the Court of Chancery.

Dated this day of 18 .

(Signed)

Registrar.


 Seal of Office.

To
of

PART III.—GENERAL FORMS AND PRECEDENTS.

FORM 13.

*Conditions of Sale to exclude Enquiry as to [mines and minerals
and] Matters not deemed "Incumbrances."*

The title to the land is registered [*if so, as indefeasible*] in the
Land Registry Office, under the Transfer of Land Act, 1862. No
requisition shall be made, or evidence required, as to the [mines and
minerals or as to the] existence or non-existence of liabilities not
deemed to be incumbrances within the meaning of that Act: the
vendor is not, however, aware of [any exception of mines or
minerals or of] the existence of any such liabilities [except as
mentioned in the particulars, or on the register, or, as the case may be].

N.B.—If the land be registered, with mines and minerals
included, omit the words referring to them.

FORM 14.

Condition of Sale substituting the Register for an Abstract.

The vendor will furnish the purchaser with the necessary
authority to inspect and take copies of the register, and such
authority shall be in lieu of an abstract of title.

FORM 15.

Condition of Sale suitable to Land Registered without Indefeasible Title.

On the of , the land was registered, without an indefeasible title, in the Land Registry Office, under the provisions of section 25 of the Transfer of Land Act, 1862.

The section referred to required production (among other things) of proof of enjoyment for ten years previously, and a statutory declaration by the applicant and his solicitor, agent, or conveyancer, that they believed the applicant to be entitled to the fee simple. No requisition shall be made or evidence required as to the title prior to such registration, or as to the fulfilment of the above requirements on the occasion of the registration. The vendor is not, however, aware of any defect or doubt in respect of such title or of any informality having occurred in such registration.

FORM 16.

Authority to inspect the Register.

No. of Title

[As solicitor of A.B., of, &c.], I hereby authorise C.D., of, &c., to inspect and take copies of the register of the title above referred to.

*Signature of owner of land or
incumbrance, or his solicitor.* }

N.B.—Great care should be taken to fill in the subsisting number of the title correctly; delay and inconvenience often arise from the use of obsolete or incorrect numbers.

FORM 17.

Declaration of Attestation and Identity.

LAND REGISTRY.

No. of Title

I, G.H., of, &c., solicitor, do solemnly and sincerely declare that I am well acquainted with A.B., the person named in the deed [or document] dated (&c.), marked A, now produced to me; that I saw him sign, seal, and as his act and deed deliver the same deed; [or that the name A.B. at the foot thereof is the handwriting of the

said *A.B.*] and that the said *A.B.* is the same person as *A.B.* who is named in the register under the number above referred to.
And I make, &c.

Note.—This form is published, and can be had as Form 6.

The declaration does not require any Inland Revenue stamp (*see* rule of 1891).

Where the attesting witness is not a solicitor the witness's declaration may stop at the words "deliver the same deed" and the solicitor's declaration will be in the same form, omitting the words "that I saw him sign, seal, and as his act and deed deliver the same deed."

Where the execution is by attorney, *see* notes to rule 5 of 1864.

FORM 18.

Application to Register Memorial of Death and Will.

No. of Title.

A.B., of, &c., having become entitled to or interested in the land comprised in the title above referred to, as devisee of the fee simple [*or as tenant for life within the meaning of the Settled Land Acts, or as trustee for sale, or otherwise, as the case may be*], under the will of *C.D.*, of, &c., hereby requests the Registrar to register the death of the said *C.D.* and the title of the said *A.B.*, as aforesaid.

Dated, &c.

(*Signature of A.B. or his Solicitor.*)

FORM 19.

Memorial of Death.

LAND REGISTRY.

No. of Title.

Memorial.

A.B., of, &c., named in the register under the title above referred to, died on the [*date*], as appears from the certificate of death [*or probate*] and statutory declaration of identity left herewith.

Dated, &c.

(*Signature of Applicant or his Solicitor.*)

FORM 20.

*Memorial of Death and Will, Embodying Copy or Extracts.**

(Commence as in last form, down to "died on the," &c.) having made his will, dated, &c., in the following words.—(*Copy*) [or which will, so far as it relates to the said title, is as follows:—(*Extracts.*)*]

The said will was proved on the (*date*) in the [principal] Registry by *C.D.* and *E.F.*, two of the executors therein named, power being reserved for *G.H.*, the other executor, to prove.

The following evidence is left in support of the above memorial :
(1) Probate of the said will; (2) Statutory declaration of *K.L.* an attesting witness; (3) Statutory declaration of identity.

Dated, &c.

(*Signature of Applicant or his Solicitor.*)

* The extracts may be supplemented by short abstracts of intervening portions where necessary or convenient.

FORM 21.

Statutory Declaration of Attesting Witness to a Will.

I, *A.B.*, of, &c., solicitor, solemnly and sincerely declare as follows:—

1. I was well acquainted with *C.D.*, the person named in the probate (or will), dated, &c., marked A. (and in the certificate of death marked B.), now produced to me.

2. I saw him sign the same as his will in the presence of myself and *E.F.* [the other witness.] The said *C.D.* was, at the time, of sound mind, memory, and understanding [or

The name *C.D.* at the foot thereof is in the handwriting of the said *C.D.*]

3. I had confidential relationship with the said *C.D.* and intimate knowledge of his affairs. All proper searches were made among his papers and effects, and no later testamentary writing than the said will was found among them, and I believe the same to be his last will.

4. The said *C.D.* is the same person as the *C.D.* who is named in the register under the title No.

And I make, &c.

Note.—If the whole of the above declaration cannot be made by one person it should be broken up. Each declaration should begin with para. 1. Para. 2 must be made by the attesting witness; para. 4 must be made by a solicitor if practicable.

FORM 22.

Certificate of Value.

LAND REGISTRY.

No. of Title

I, *X.Y.*, of *&c.*, hereby certify that I am well acquainted with the hereditaments comprised in the document dated the day of _____, 18____, proposed to be registered, being [part of] the estate registered under the No. _____, and that the annual value of such hereditaments, including all improvements, does not exceed £ _____ or the value for sale £ _____.

Dated, *&c.*(Signed) *X.Y.*

This form can be varied or converted into a statutory declaration where necessary.

FORM 23.

Application to Register Death and Will by Devises of different portions of the Estate.

No. of Title

A.B., of *&c.*, and *C.D.*, of *&c.*, having become respectively entitled to or interested in several portions of land comprised in the title above referred to as the respective devisees of the fee simple under the will of *E.F.*, of *&c.*, hereby request the Registrar to register the death of the said *E.F.* and their respective titles to the said several portions of land as aforesaid, under separate numbers.

FORM 24.

Memorial of Death and Will, Deaths of Life Tenants, and Default of Issue, Disclaimer by Trustee, Payment of Debts.

(Commencement as in Form 19, down to "died on the" (date) having by his will dated, *&c.*, devised the land comprised in the said title to his widow for life, with remainder to *A.B.* and *C.D.* in fee simple on trust for *E.F.* for life, with remainders over for the benefit of the wife and children of the said *E.F.*, and in default for *G.H.* for life with remainders over, and the testator appointed the said *A.B.* and *C.D.*, his executors, and charged his real estate with the payment of his debts and empowered his said executors and trustees to sell the said land with the consent of the tenant for life.*

* This short summary of the will is merely to render the rest of the memorial intelligible. A copy of, or extracts from, the will must also be filed as usual.

The testator's said wife pre-deceased him.

The said will was proved (*&c.*, as in Form 20).

The said *C.D.* never acted in the trusts of the said will, and by deed poll, dated, *&c.*, he disclaimed them.

The said *E.F.* died on the, *&c.*, without ever having been married.

All the testator's debts have long since been paid.

The succession duty on the deaths of the testator and the said *E.F.* has been paid.

The following evidence (*&c.*, as in Form 20, with the addition of the necessary statutory declarations exhibiting certificates of death, where necessary. Also the original deed poll of disclaimer, declaration of identity of *C.D.*, executors' certificate as to payment of debts, *&c.* Conclude as in Form 20).

FORM 25.

Memorial of Death and Will, Annuity, Devise in Fee, Death of Trustee.

(Commencement as in Form 19, down to "died on the" (date) having by his will (date) appointed *C.D.*, of, *&c.*, since deceased, and *E.F.*, of, *&c.*, executors, and (subject to the payment of an annuity of £600 a year to his widow, reducible to £200 on re-marriage, and powers of sale and leasing during the continuance of the said annuity), devised all his real estate to his brother, *G.B.*, in fee simple.

The said *C.D.* died on the (date).

The testator's widow is still living and unmarried.

The following evidence (*&c.*, as in Form 20, with the addition of certificate of death of *C.D.* (or probate of his will), and statutory declaration as to his identity. Conclude as in Form 20.)

FORM 26.

Application to Register Memorial of Facts, &c.

No. of Title

A.B. having become entitled to (or interested in) the land comprised in the title above referred to, by reason of the [instruments] facts and matters set forth in the accompanying memorial, requests the Registrar to register the said memorial accordingly.

Dated, *&c.*

(Signature of Applicant or his Solicitor).

FORM 27.

Statutory Declaration of Identity only.

No. of Title

I, A.B., of, &c., solicitor, solemnly and sincerely declare as follows:—

(1.) I was (am) well acquainted with C.D., the person named in the certificate of death (birth, marriage, or probate, letters of administration, &c., &c.) marked A., now produced to me.

(2.) The said C.D. is the same person as the C.D. who is named in the register under the title above referred to.

And I make, &c.

FORM 28.*Memorial of Marriage.*

(Commencement as in Form 19, down to "title above referred to") was on the, &c., married to C.D., of, &c., as appears from (&c., similarly to Form 19).

Note.—The evidence required will be the certificate of marriage, and a statutory declaration as to the identity of A.B. (as in Form 27).

FORM 29.*Birth of Issue and Attainment of 21.*

(Commencement as in Form 19, down to "title above referred to") had issue as follows:—C.B., born on the, &c., D.B., born, &c., all of whom are now living and have attained 21, as appears from (&c., similarly to Form 19).

Note—The evidence required will be the various certificates of birth (or baptism), and a statutory declaration as to the identity of A.B. (as in Form 27).

FORM 30.

Memorial of Intestacy.

(Commencement as in Form 19, down to "died on the (date) intestate [as to the land comprised in the title above referred to].

C.D., of, &c., is the heir-at-law of the said A.B.

(If so) Succession duty has been paid on the death of the said A.B.

The following evidence (&c., as in Form 20).

Note.—The evidence required will be certificate of death or burial, letters of administration (if extracted), statutory declaration (as in next Form) as to the identity and intestacy of A.B., statutory declaration by a member of the family proving heirship and exhibiting the necessary certificates of births, deaths and marriages, or accounting for their absence, and (if the duty is paid) succession duty receipt.

If the intestacy be only partial, the will, probate, or office copy should also be produced, as evidence.

FORM 31.

Statutory Declaration Proving an Intestacy.

(Commencement and paras. 1 and 2, as in Form 27.)

(3.) Tacted as [Solicitor] to the said C.D. for years and as such I had an intimate knowledge of his affairs. Had he made a will I should almost certainly have known of it. I made full inquiries of his friends and relations, and careful searches among his papers and effects, but no testamentary writing was found among them, and I believe that he died intestate,

(4.) I have searched the Depository of Wills, at Somerset House, and the register of the principal and (district) registries, and I have found no mention of any application for probate of any will of the said C.D.

And I make, &c.

Note.—If the whole of the above declaration cannot be made by one person, it should be broken up. Each declaration should begin with para. 1. Paras. 1 and 2 should be made by a solicitor if practicable.

If the intestacy is only partial, the will should be referred to and stated to be the only will, and intestacy "as to the land comprised in the said title" averred.

FORM 32.

Memorial of Death (of a Sole Trustee, Mortgagee, or Owner of a Lease) and appointment of Executors or Administrators.

(Commencement as in Form 19, down to "died on the" (date) having by his will, dated, &c., appointed C.D., of, &c., E.F., of, &c., G.H., of, &c., and K.L., of, &c., Executors.

The said will (with a codicil not affecting the appointment of executors) was proved on the &c., in the [principal] Registry, by the said C.D. alone, the said E.F., having pre-deceased the testator the said G.H. having renounced probate, and power being reserved to the said K.L., to come in and prove.

[Or on an intestacy:—intestate, and letters of administration of his estate were granted on the, &c., by the [principal] Registry, to C.D. of, &c.]

The following evidence (&c., as in Form 20).

Note.—The evidence required will be the original probate or letters of administration, and a statutory declaration as to the identity of A.B. (as in Form 27).

If the death took place before 1882, the devolution will be to the devisee of trust and mortgage estates, or to the heir, and this Form will not apply.

FORM 33.

Memorial of Death before Completion of Contract for Sale.

(Commencement as in Form 19, down to "died on the" (date)) [intestate (if so)] having by agreement dated, &c., contracted to sell the said land to C.D., of, &c., for the sum of £

Probate of the will [or letters of administration of the estate] of the said A.B. was [were] on the &c., granted to E.F. of, &c., by the [principal] Registry.

The following evidence (&c., as in Form 20).

Note.—The evidence required will be the original agreement, probate (or letters of administration), a statutory declaration as to the identity of A.B. (as in Form 27), exhibiting contract and probate or letters of administration.

In the converse case of the death of a purchaser before completion, the occurrence need not be registered, as no estate passes: the recitals of the purchase deed will require verification, however, if they refer to the circumstance.

See also note to last Form.

FORM 34.

Memorial of Bankruptcy of Owner.

(Commencement as in Form 19, down to "title above referred to") was adjudicated Bankrupt on the (date), and on the (date), C.D., of, &c. was appointed trustee of his estate. The following evidence (*etc.*, as in Form 20).

Note.—The evidence required will be office copies of the order of adjudication, and certificate of appointment of the trustee; and a statutory declaration as to the identity of A.B. (*as in Form 27.*)

FORM 35.

Memorial of Voluntary Liquidation of Company or Building Society and of continuation under Supervision of Court.*

LAND REGISTRY.

No. of Title

Memorial.

At a Special General Meeting of the A.B. Company (or Society) duly convened and held at, &c., on the, &c., a resolution was duly passed for the voluntary winding-up of the said Society, under the provisions of the Companies' Acts (and Building Societies' Acts), and appointing C.D., of, &c., and E.F., of, &c., joint liquidators.

At a subsequent General Meeting of the Society, duly convened and held at, &c., on the, &c., the said resolutions were duly confirmed.

By an Order of the (County Court of M.) held at, &c., dated, &c., it was ordered that the said winding-up should be continued, subject to the supervision of the Court.

The following evidence (*&c.*, as in Form 20).

Note.—The evidence required will be the Registrar's office copies of the special and general resolutions, and the Order of the Court.

The identity of the company need not be proved.

*A compulsory winding-up is registered by memorial of the Order of the Court, similar to Forms 36 and 37.

FORM 36.

Memorial of Foreclosure, and Certificate that the Equity of Redemption was Valueless.

LAND REGISTRY.

No. of Title

Memorial.

By virtue of two several Orders of the Chancery Division of the High Court, dated respectively, &c., &c., made in the matter of (*full title*) *A.B.*, of, &c., and *C.D.*, of, &c., are now absolutely seised and possessed of the land comprised in the title above referred to, free from all rights and equity of redemption.

The said orders are left herewith in support of the above memorial.

Dated, &c.

(*Signature of Applicant or his Solicitor.*)

Certificate.

As solicitors for the applicants, we hereby certify that there is no pecuniary value whatever attaching to the interest conferred on them by the Orders above referred to.

E. F. & Co.

Note.—If the orders do not sufficiently identify the persons and the mortgage, a statutory declaration of identity will also be required. (*Form 27.*)

FORM 37.

Memorial of Order appointing New Trustee and Vesting Estate.

LAND REGISTRY.

No. of Title.

Memorial.

By an Order of the Chancery Division of the High Court, dated, &c., made in the matter of (*full title*) *A.B.*, of, &c., was appointed a new trustee of the (will of *C.D.*, dated, &c., and registered under the title above referred to) in place of *E.F.*, of, &c., and the land comprised in the said title was (with other property) vested in the said *A.B.* jointly with *G.H.*, of, &c., the continuing trustee under the said will for all the estate of the said *E.F.* therein.

The said order is left herewith (&c., as in *Form 36*).

See note to Form 36.

FORM 38.

Memorial of Deposit of Land Certificate.

(Commencement as in Form 19, down to "title above referred to") did on the, &c., deposit the land certificate of the said title with C.D., of, &c., as security for the payment of £500 and interest.

The following evidence (&c., as in Form 20).

Note.—The evidence required will be a statutory declaration by the applicant stating the fact of the deposit and exhibiting the certificate, and a statutory declaration as to the identity of A.B. (as in Form 27.)

When the deposit is accompanied by a memorandum in writing, the memorandum should be registered as above directed in Chapter III. (iii.) No memorial will then be necessary.

FORM 39.

Memorial of Lunacy, Appointment of Committee of Estate, and Approval of Conditional Contract for Sale.

(Commencement as in Form 19, down to "title above referred to") was upon inquisition made on the (date) found to be of unsound mind, and by an order dated, &c., C.D., of, &c., was appointed committee of his estate.

By an Order dated, &c., made in the matter of (full title) a certain conditional contract therein mentioned between the said C.D. and E.F., of, &c., was approved, and the said C.D. was empowered as such committee in the name and on behalf of the said A.B. to execute and do all such acts, deeds, and things in relation to the carrying of the said contract into effect as the Masters in Lunacy should approve of.

The following evidence (&c., as in Form 20).

Note.—The evidence required will be a declaration as to the identity of A.B. (as in Form 27), and the original orders or office copies.

FORM 40.

Memorial of Change of Name of Company.

LAND REGISTRY.

No. of Title.

Memorial.

At an extraordinary meeting of the *A. Company, Limited*, duly convened and held at, &c., on the, &c., a resolution was duly passed changing the name of the said company from the "*A. Company, Limited*," to the "*A. & B. Company, Limited*."

At a subsequent extraordinary meeting duly convened and held at, &c., on the, &c., the said resolution was duly confirmed.

Office copies of the said resolutions are left herewith in support of the above memorial.

Note.—The Registrar of Joint Stock Companies will furnish office copies of the filed resolutions for a small fee.

The identity of the company need not be proved.

FORM 41.

Memorial of Incorporation of Building Society.

LAND REGISTRY.

No. of Title.

Memorial.

The *A.B. Building Society*, named on the register under the title above referred to, was on the, &c., duly incorporated under the provisions of the Building Societies' Act, 1874, as appears from the office copy of the certificate of incorporation, left herewith. (*Date and signature as in Form 19*).

Note.—The identity of the society need not be proved.

FORM 42.

Memorial of Order of Charity Commissioners as to Scheme for Charity Lands, the Trust Deed, &c., being already registered.

LAND REGISTRY.

No. of Title.

Memorial.

By an Order of the Charity Commissioners, dated, &c., and made in the matter of (*full title of order*), the scheme subjoined to the said order was approved and established as the scheme for the future regulation of the said charity.

The original order and subjoined scheme are left herewith (&c., as in Form 36).

Note.—If the description of the trust or the trustees given in the order are not the same as their registered descriptions, their identity should be proved by statutory declaration in Form 27.

FORM 43.

Subsequent Memorial in same Matter.

(*Commencement as in last Form, down to end of "title of order"*) certain provisions were made relating to the mortgage or mortgages authorised by the scheme of the [*date*] made in the same matter.

The original order is left herewith (&c., as in Form 36).

FORM 44.

Memorial of Contents, &c., of Lost Deed.

(*Commencement as in Form 19, down to "title above referred to"*) by deed of [*date*] in consideration of £ paid to him by C.D., of, &c., conveyed to the said C.D. in fee simple all the lands comprised in the title above referred to.

The said deed was prepared by Mr. E.F., of G., solicitor, and the execution thereof by the said A.B. was witnessed by him.

The said C.D. paid the said £ to the said A.B., and has ever since the completion of the said purchase been in possession

of the said lands, without interruption from the said *A.B.* or anyone else.

The following evidence (*&c.*, as in *Form 20*).

Note.—The evidence required will be:—

Statutory declarations by *C.D.* and the solicitor named as to all the above facts, including the identity of *A.B.* and exhibiting corrected draft (if any).

Statutory declaration of *C.D.* as to the above facts.

Statutory declaration of *E.F.* as to the identity of *A.B.*, and preparation and execution of the deed.

N.B.—In such a case the memorial is registered, but the entry of the ownership of *A.B.* is not cancelled.

FORM 45.

Memorial of a Chain of Title where Transactions have not been Registered up to Date.

LAND REGISTRY.

No. of Title

Memorial.

Sale of
part.

By deed [*date*] *A.*, of, *&c.*, named in the Register under the title above referred to, in consideration of £1,000 conveyed the lands shewn and coloured pink on the annexed tracing No. 1* (being part of the land comprised in the title above referred to) to *B.*, of, *&c.*, in fee simple

Settle-
ment.

By deed [*date*] the said *B.* in consideration of a then intended marriage with *C.*, of, *&c.*, conveyed the whole of the lands comprised in the said deed of [*date*] to *D.*, of, *&c.*, and *E.*, of, *&c.*, on trust, with the consent of the said *B.* and *C.* during their lives, to sell the same, and to give good discharges for the purchase money, and it was declared that during the lives of the said *B.* and *C.* they should be the persons to appoint new trustees.

Marriage.

The said intended marriage was solemnised on the [*date*] at *X.*

Death of
Trustee.

The said *D.* died [*date*].

New
Trustees.

By deed [*date*] the said *B.* and *C.* appointed *F.*, of, *&c.*, to be a new trustee of the said settlement in place of the said *D.*, and declared that the trust property should vest in him jointly with the said *E.*

Sale of
part by
Trustee.

By deed [*date*] the said *E.* and *F.*, with the consent of the said *B.* and *C.*, and in consideration of £800 paid to them by *G.*, of, *&c.*, conveyed the lands shewn and edged with blue on the annexed

tracing No. 2* (being part of the lands coloured pink on the said tracing No. 1) to the said *G.* in fee simple.

By deed [date] the said *G.* mortgaged the said lands comprised in Mortgage. the said deed [date] to *H.*, of, &c., in fee, to secure £500 and interest.

By deed [date] the said *H.* transferred the said mortgage to *K.*, of Transfer &c., and the said *G.* further charged the said land with £200 and of mort- further charge. gage and

The said *K.* died [date] having by his will [date] appointed *L.*, of, charge. &c., and *M.*, of, &c., his executors, which will was [date] proved in Death of mort- the [Durham] District Registry by the said *M.* alone. gagee: his

The following evidence (&c., as in Form 20).

Death of mort- gagee: his executor.

Note.—The memorial will be compared with all the original documents, and statutory declarations (with certificates) as to all the facts stated, including identities, should be supplied. The identity of *A.* should be proved by a solicitor. In proving the identities of persons not named on the register, Form 17 should be varied by substituting for the words “register under the number, &c.,” the words “deed, (will, &c.), dated, &c., now produced and shewn to me marked *B.*” There should also be a declaration by the applicant or his solicitor that the memorial contains all material facts and instruments affecting the title (*Form 46 will suffice*). If the original documents are lengthy, an abstract must be furnished and examined at the expense of the applicant.

* The tracing (in each case) to be a copy of the plan endorsed on the deed in question.

FORM 46.

Statutory Declaration verifying a Memorial as complete.

LAND REGISTRY.

No. of Title

I, *A.B.*, of, &c., (solicitor) do solemnly and sincerely declare as follows:—

1. I am well acquainted with the title of *G.*, of, &c., to a portion of the land registered under the above number as set forth in the Memorial, dated, &c., now produced and shewn to me marked *A.*

2. The said memorial correctly and sufficiently sets forth all instruments, facts, and matters at present remaining unregistered which affect the title of the said *G.* to the said land.

And I make, &c.

FORM 47.

Another Memorial of a Chain of Title.

LAND REGISTRY.

No. of Title

Memorial.

Partner- By deed [date] *A.*, of, &c., *B.*, of, &c., and *C.*, of, &c., all named on the
ship deed. register under the title above referred to, entered into partnership
under the style of *A. B. & Co.*, and declared that on the death of
any one of them the partnership should not dissolve, but should be
continued by the survivors and such successor as the deceased
should appoint by his will.

Death of The said *A.* died, having by his will [date] appointed *D.*, of, &c.,
partner. his successor under the said deed.

Will. The said will was proved [date] in the [principal] Registry.

Assets of The land comprised in the title above referred to is part of the
firm. assets of the said firm.

Present The said *B.*, *C.* and *D.* are the sole partners in the said firm.
partners. The following evidence (&c., as in Form 20.)

(See note to last Form.)

FORM 48.

*Statutory Declaration verifying Execution by a Building Society
or Company.*

I, *A.B.*, the (Secretary) of the *C.D.* Society (or Company) named
in the register under the title No. _____, solemnly and sincerely
declare as follows:—

1. The seal affixed to the deed [date] now produced to me, marked
A., is the seal of the said society (or company) and I saw it affixed
to the said deed in the presence of *E.F.*, of, &c., and *G.H.*, of, &c.,
two of the trustees (or directors) of the said society (or company).

2. The copy of the rules of the said society (or memorandum and
articles of association of the said company) now produced to me
marked *B.* is a copy of the present rules of the said society (or
memorandum, &c.)

3. The writing now produced to me, marked C., is an extract from the minutes of the said society (*or* company) authorising the affixing of the seal as aforesaid.

And I make, &c.

Note.—Statutory receipts for mortgage money can be verified in a similar way, varying para. 1 as may be necessary.

FORM 49.

Statutory Declaration of Attestation and Identity where Execution is by an Attorney.

LAND REGISTRY.

No. of Title

I, G.H., of, &c., solicitor, do solemnly and sincerely declare that I am well acquainted with A.B. (*the donor*), the person named in the power of attorney marked A., now produced to me.

That on the [date] I saw the said A.B. sign, seal, and deliver the aforesaid power of attorney [*or* that the name A.B. at the foot thereof is the handwriting of the said A.B.]

That the said A.B. is the same person as A.B. who is named in the record of title to the hereditaments numbered in the register of estates with an indefeasible title in the Office of Land Registry.

That I am well acquainted with E.F. (*the attorney*), the person named in the deed marked B., now produced to me, and that he is the same person who is named in the aforesaid power of attorney.

That on the [date] I saw the said E.F., as the attorney of the said A.B., sign, seal, and deliver the aforesaid deed marked B., [*or* that the name E.F. at the foot thereof is the handwriting of the said E.F.].

And I make, &c.

Note.—Where the same person cannot depose to all the above matters, the declaration must be broken up into several. The identity of A.B. should be proved by a solicitor, if practicable.

FORM 50.

Declaration as to Subsistence of a Power of Attorney.

I, A.B., of, &c., solemnly and sincerely declare as follows:—

1. I am the attorney named in the power of attorney now produced to me, marked A.

2. At the time of the execution of the conveyance (mortgage, &c.) [date] now produced to me, marked B., C.D., the donor of the said power was alive, as I know from the letter and envelope marked C. and D., lately received from him by me, dated subsequently to the execution of the said conveyance (mortgage, &c.) by me.

3. The said power was, at the time of my execution of the said conveyance (mortgage, &c.), in full force with regard to the land thereby affected.

And I make, &c.

FORM 51.

Statement of Dealing proposed to be Completed in the Office.
(See Rule 25 of 1862.)

LAND REGISTRY.

No. of Title

A.B., of, &c., having agreed to sell to C.D., of, &c., the hereditaments (or part of the hereditaments, as the case may be) numbered in the register of estates with an indefeasible title in the Office of Land Registry, the said A.B. and C.D. are desirous to complete the transaction at the said office, on the day of next.

Dated, &c.

[Signatures of A.B. and C.D. or their respective Solicitors.]

FORM 52.

Application to Register an Instrument which is already Registered under another Title.

Repeat Form 6 down to "register the title accordingly," and add—

The instrument above referred to is already registered under title No. , and the applicant requests the registrar to refer to the evidence already filed in support of such registration, and to use the filed prints of the said instrument for the purposes of the present application.

FORM 53.

The Like, in the case of a Memorial.

Repeat Form 25 down to "facts and matters set forth in the," and continue—

Memorial dated, &c.,* and registered [date]* under title No. , requests the Registrar to register the said memorial under the title No. , and to refer to the evidence already filed in support of the said memorial and to use the filed print thereof for the purposes of the present application.

(Date, and Signature of Applicant or Solicitor.)

* These particulars can be obtained by inspection of the registered memorial.

FORM 54.

Certificate of Acknowledgment by Married Woman to be Endorsed on Deed.

I certify that this deed was this day produced before me and acknowledged by the therein named A.B., to be her act and deed, previous to which acknowledgment the said A.B. was examined by me separately and apart from her husband touching her knowledge of the contents of the said deed, and her consent thereto; and she declared the same to be freely and voluntarily executed by her.

And I declare that I am not interested either as a party or as a solicitor or clerk to the solicitor for any of the parties or otherwise in the transaction.

Witness my hand this, &c.

(Signature of Commissioner, and official style.)

FORM 55.

Application to Transfer Land from the 1862 Register to that of 1875.

No. of Title .

I, A.B. of, &c., being the person named in the conveyance [or contract] dated, &c., [or will dated, &c., of, C.D., of] relating to the land registered under the above number, hereby certify that I

am entitled to the said land for my own benefit [*or as the case may be*]. And that since the date of the said conveyance [*or contract, or death of the said testator, &c., &c.*] I have not dealt with or encumbered the said land or any part of it [*save as appears by the register, or except as follows, namely, &c.*] And I hereby apply to be registered as proprietor of such land with an absolute title under the Land Transfer Act, 1875.

Dated, &c.

(*Applicant's Signature.*)

N.B.—This form is published and can be obtained at the office.

FORM 56.

Solicitor's Certificate, to accompany same.

I, C.D., of, &c., solicitor to the above named (*applicant*) hereby certify that to the best of my information and belief the above statements are correct.

Dated, &c.

(*Signature.*)

N.B.—Published, &c., as last form.

FORM 57.

Summons on reference to the Court under sec. 17.

1891. B. No.

HIGH COURT OF JUSTICE,
CHANCERY DIVISION.
Mr. Justice

In the matter of the application of A.B., of, &c., dated, &c., for registration of [a deed of conveyance] affecting Title No. in the Office of Land Registry.

And in the matter of the Act of 25th and 26th Vict. cap. 53, entitled "An Act to facilitate the proof of title to, and conveyance of, Real Estate."

Let all parties (*&c., &c., as usual on a summons in chambers*) on the hearing of an application by the above-mentioned A.B., for a direction as to the proper mode of registration of [the above-mentioned deed] (*conclude as usual*).



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